

100th ILLINOIS GENERAL ASSEMBLY LEGISLATIVE UPDATE

" TOP 30 " BILL STATUS REPORT

ACTION AS OF 8.25.17

Bill	Sponsor	Synopsis	Suggested ICUL Position	Last Activity or Action
HB 1792	Rep. Lang, et al. Sen. Koehler	<p>Amends the Illinois Credit Union Act to provide that:</p> <ul style="list-style-type: none"> credit unions may invest in corporate bonds identified as investment grade by at least one nationally recognized statistical rating organization; in their management of assets, liabilities and liquidity, credit unions may purchase investment interests in pools of loans, in whole or in part, and without regard to the membership of the borrowers, from other depository institutions and financial type institutions; a credit union or network credit union may create and use descriptive and brand references to promote and market its identity, services, and products to its members; credit union members may vote on questions and in elections by secure electronic record if approved by the board of directors; the par value of a share of a credit union must be at least \$1 (rather than \$5), to facilitate programs where the credit union advances the share subscription; each divisional credit union of a network credit union may (rather than shall) have an advisory board of directors and the advisory board of directors may (rather than shall) appoint a divisional credit union chief management official; a divisional credit union may determine to identify its advisory board as a committee and its divisional chief management official with a title it deems reasonable and appropriate; management may appoint a compliance review committee; and the Governor's Board of Credit Union Advisors shall meet at least once each calendar year (rather than once each 6 months). <p>Effective immediately. (ICUL INITIATIVE)</p>	Support	<p>4/7/17-Passed House 80-23</p> <p>5/29/17-Passed Senate 55-0</p> <p>8/25/17-Signed into law by Gov. Rauner as P.A. 100-0361, eff. 8/25/17</p>
HB 759	Rep. Lang Sen. Mulroe	<p>Amends the Illinois Insurance Code concerning licensure requirements for financial institutions to provide that nothing in the Code shall be construed to require a limited lines producer license or any other form or class of producer's license for financial institutions, or their employees, in connection with their enrollment and administrative services performed to enable individuals to purchase insurance coverage under a group credit insurance policy from a licensed producer. Effective immediately. (ICUL COALITION INITIATIVE)</p>	Support	<p>3/15/17-Passed House 110-0</p> <p>5/31/17-Passed Senate 55-0</p> <p>Signed into law by Gov. Rauner as P.A. 100-0349, eff. 8/25/17</p>
HB 2514	Rep. Lang Sen. Nybo	<p>Amends the Illinois Credit Union Act to expressly authorize credit unions to disclose confidential supervisory information to a Federal Home Loan Bank (e.g., the credit unions' regulatory exam reports, to facilitate the underwriting of FHLB loans to credit unions). Makes corresponding amendments to Illinois Banking Act and Savings Bank Act. Effective immediately. (FHLBC/ICUL INITIATIVE)</p>	Support	<p>8/11/17-Signed into law by Gov. Rauner as P.A. 100-0064, eff. 8/11/17</p>
HB 3282	Rep. C.D. Davidsmeyer Sen. Nybo	<p>Amends the Data Processing Services for Financial Institutions Act to simplify the definition of "financial institution" and provide that if a financial institution makes data available to an independent data processing servicer, the data shall remain the property of the financial institution. Effective immediately. (ICUL COALITION INITIATIVE)</p>	Support	<p>8/18/17-Signed into law by Gov. Rauner as P.A. 100-0170, eff. 8/18/17</p>

SB 734	Sen. Koehler Rep. Lang	Amends the Illinois Municipal Code to update the definition of "financial institution" to explicitly authorize municipalities to borrow money from credit unions. Effective immediately. (ICUL INITIATIVE WITH COALITION SUPPORT) HCA #1 replaced measure with term limit amendment to Metropolitan Pier and Exposition Authority Act.	Support Neutral as amended	4/25/17-Passed Senate 57-0 5/29/17-House Executive Comm. Approved HCA #1 8/13/17-Passed both houses as amended
SB 1545	Sen. Mulroe	Amends the Illinois Vehicle Code to provide that if an owner of a vehicle has comprehensive, collision, or other insurance coverage for the damage or loss of a vehicle and the vehicle's certificate of title discloses a lienholder of record, any insurer paying a claim for the damage or loss of the vehicle shall issue the payment directly to the business repairing the vehicle or to both the owner of the vehicle and the lienholder of record. Provides that the provision does not apply to a claim made by a lienholder under a collateral protection insurance policy on a vehicle to secure a loan, when the vehicle owner has breached his or her commitment to provide insurance coverage for the damage or loss of the vehicle. (ICUL COALITION INITIATIVE)	Support	8/4/17-Referred to Assignments
SB 1694	Sen. Koehler Sen. Sandoval Sen. McConchie Rep. Zalewski	Amends the Labor and Storage Lien Act and the Labor and Storage Lien (Small Amount) Act to require a towing company or repair shop seeking to impose storage fees for a vehicle in its possession to provide notice, by certified mail, return receipt, to the lienholder of record. Provides that the notice shall be given within two (2) business days of towing or impounding, regardless of whether the person seeking to impose fees enforces a lien. The notification requirements apply in addition to any other lienholder notice requirements under the Illinois Vehicle Code relating to the removal or towing of an abandoned, lost, stolen, or unclaimed vehicle. Storage fees may not be assessed absent the notice and the lienholder may recover any storage fees paid if the notice was not sent by the shop or towing company. Lienholder opportunity to inspect vehicle must be provided within two (2) business days of request. Makes corresponding changes to the Illinois Vehicle Code. Effective 90 days after becoming law. (ICUL INITIATIVE WITH COALITION SUPPORT)	Support	4/27/17-Passed Senate 57-0 5/19/17-Passed House 95-3 5/31/17-Senate Concurs on HCA #1 53-0 8/24/17-Signed into law by Gov. Rauner as P.A. 100-0311, eff. 11/22/17
HB 471	Rep. Ford Rep. Olsen	Amends the Mortgage Foreclosure Law to provide that no later than 14 days after receiving the Homeowner Notice of foreclosure, a residential mortgagor must provide all existing and prospective tenants and other known lawful occupants of the property with a written notice that a foreclosure action has been commenced. Provides that the notice may be substantially in a specified form.	Support as Amended	4/28/17-Re-referred to Rules
HB 3265 SB 2041	Rep. Zalewski Sen. Haine	Amends the Illinois Vehicle Code to provide that within 3 calendar days after a vehicle is towed, a county or municipality must access the vehicle's title record to determine the lienholder of record, lessor, and the owner or lessee; and within 5 calendar days after the tow provide notice of the seizure to those parties. Provides that a lienholder or lessor shall be entitled to take possession of an impounded vehicle, and defer payment of any applicable administrative fees, upon submission of certain documents and fees to the municipality. Provides that upon a request to obtain possession of an impounded vehicle, a municipality shall provide a lienholder or lessor an opportunity to view the vehicle and provide a statement in writing setting forth the amount of the applicable administrative, towing, and storage fees.	Support as Amended	3/31/17-HB 3265 Re-referred to Rules 3/17/17-SB 2041 re-referred to Assignments
HB 144	Rep. Moylan Rep. Mussman	Amends the Illinois Mortgage Escrow Account Act to require mortgage lenders to pay interest on escrow accounts at the rate of 3% or the lender's passbook savings rate account, whichever is greater.	Oppose	4/28/17-Re-referred to Rules
HB 523 SB 647 SB 718	Rep. Turner Sen. Collins Sen. Collins	Amends the Illinois Mortgage Foreclosure Law to provide that provisions concerning an additional fee paid by residential foreclosure plaintiffs are operative until January 1, 2020 (instead of January 1, 2018). Also provides that provisions concerning an additional fee paid by purchasers at a judicial sale are operative and become inoperative on January 1, 2020 (instead of January 1, 2017). Repeals the Section on March 2, 2020 (instead of March 2, 2017). Provides that specified actions taken before the effective date of the amendatory Act are ratified, validated, and confirmed. [Note: Judicial sale sunset not in SB 718.] Effective immediately.	Oppose	4/28/17-HB 523 Re-referred to Rules 8/25/17-SB 647-Signed into law by Gov. Rauner as P.A. 100-0407, eff. 8/25/17 4/7/17 -SB 718 Re-referred to Assignments
HB 723	Rep. Rita	Creates the Real Estate Appraisal Fees Article of the Residential Real Property Disclosure Act to provide that in any residential real estate closing document in which real estate appraisal fees are shown, the fee paid to an appraiser shall be shown separately from the fee paid to an appraisal management company.	Oppose	4/28/17-Re-referred to Rules
HB 1274	Rep. Turner, et al.	Amends the Illinois EFT Act to establish a cap of \$1 for ATM cash withdrawal fees.	Oppose	4/28/17-Re-referred to Rules

HB 2603	Rep. Zalewski	Creates the Revised Uniform Unclaimed Property Act. Adds language concerning: definitions; applicability; rulemaking; presumptively abandoned property; taking custody of property that is presumed abandoned; reporting requirements; notice to property owner; taking custody of property by the State Treasurer; sale of property; administration of property; claims to recover; liability; remedies; enforcement; agreements to locate property; confidentiality; uniformity of application and construction; relation to federal laws; transitional provisions; and severability. Repeals the Uniform Disposition of Unclaimed Property Act and makes corresponding changes to the Illinois Credit Union Act and other acts and codes. Effective January 1, 2018.	Oppose	3/31/17-Re-referred to Rules (but incorporated into SB 9, the 2018 budget bill, which became law by override of Governor veto as P.A. 100-0022, eff. 7/6/17 and 1/1/18)
HB 2716	Rep. Welch	Amends the Presumptively Void Transfers Article of the Probate Act of 1975. Replaces references to the term "transfer instrument" with "transfer" and changes the definitions of "family member" and "transfer". Provides that if the court determines the transferor lacked the requisite capacity to convey, the entire transfer instrument shall be deemed void. Provides that if the property in question is an interest in real property, a purchaser or mortgagee for value and without notice, before the recordation of a lis pendens for an action, shall take free and clear of the action. Provides that a holder of property shall not be liable for distributing or releasing the property to the transferee if the distribution or release occurs prior to the holder being made a party to an action challenging the transfer. Effective immediately.	Oppose	4/28/17-Re-referred to Rules
HB 3076	Rep. Hernandez	Amends the Electronic Fund Transfer Act to provide that for every electronic fund transfer performed in Illinois, financial institutions shall remit \$0.01 to the Division of Banking of the Department of Financial and Professional Regulation for deposit into the Illinois DREAM Fund. Effective immediately.	Oppose	3/31/17-Re-referred to Rules
HB 3498	Rep. Jones	Amends the Public Community College Act to provide that the Illinois Community College Board shall establish and implement a program that provides "free" tuition to the first 1,500 students per year that enroll at each designated community college, which will be paid from the Community College Free Tuition Trust Fund. Provides that 16 community colleges shall be designated for the program for a 2-year period on a rotating schedule determined by the Illinois Community College Board. Creates the Community College Free Tuition Trust Fund as a nonappropriated trust fund to be held outside the State Treasury. Amends the Illinois Banking Act to require every bank under the Act to pay into the Trust Fund. Amends the Illinois Credit Union Act require every credit union to pay into the Trust Fund.	Oppose	3/31/17-Re-referred to Rules
HB 3802	Rep. Fine	Amends the Consumer Fraud and Deceptive Business Practices Act to prohibit post-purchase fees with respect to gift cards and prepaid cards usable with multiple sellers of goods or services. Sponsor agreed to hold the bill per discussion with ICUL on 3/9/17.	Oppose	3/31/17-Re-referred to Rules
SB 319	Sen. Harmon	Amends the Employee Credit Privacy Act to eliminate the financial institution blanket exemption from the Act's restriction on obtaining credit history and credit reports on certain categories of employees.	Oppose	8/4/17-Referred to Assignments
SB 568	Sen. Martinez Sen. Collins	Amends the Illinois Mortgage Foreclosure Law to retroactively re-enact the "30/30/30" grace period notice loss mitigation process for residential real estate occupied as a principal residence by the borrower.	Oppose	8/4/17-Referred to Assignments
SB 812	Sen. Sandoval	Amends the Public Funds Investment Act, the Illinois Banking Act, the Savings Bank Act, and the Illinois Credit Union Act to require any financial institution receiving public funds, with assets of at least \$100,000,000, to submit an annual report on its voluntary supplier diversity program to the Department of Financial and Professional Regulation. Effective immediately.	Oppose	8/4/17-Referred to Assignments
SB 1246	Sen. Bennett	Amends the Code of Civil Procedure to add to the list of personal property that is exempt from judgment moneys held in educational expense accounts and similar types of educational savings accounts, including, but not limited to, funds invested in an ABLE Account as defined by Section 529 of the Internal Revenue Code and funds invested in a 529 Plan as defined by Section 529 of the Internal Revenue Code.	Oppose	4/7/17-Re-referred to Assignments
SB 2031	Sen. T. Cullerton	Amends the Nursing Home Care Act to provide that for a specified written agreement provided by a resident to a facility under the Act, the agreement may authorize the resident's representative to represent the resident's interests in securing and maintaining Medicaid long-term care benefits, including banking records. Provides that an authorization granted by a resident under a specified provision shall not be diminished or terminated by the death of the resident. Effective immediately.	Oppose	8/4/17-Referred to Assignments

HB 188	Rep. Thapedi	Amends the Code of Civil Procedure to provide that a party filing any other pleading or motion prior to the filing of a motion objecting to a court's jurisdiction over the party's person prospectively waives all objections to the court's jurisdiction over the party's person, unless the initial motion filed is: (i) a motion for an extension of time to answer or otherwise plead or (ii) a motion requesting relief from a judgment. Provides that any motion objecting to a court's jurisdiction over the party's person shall be filed within 60 days of the court's order disposing of an initial motion requesting relief from a judgment.	Neutral	4/27/17-Passed House 113-1-0 5/23/17-Senate 3 rd Reading 8/24/17-Signed into law by Gov. Rauner as P.A. 100-0291, eff. 1/1/18
HB 189	Rep. Thapedi, et al.	Amends the Common Interest Community Association Act and the Condominium Property Act. Provides that if the condominium or community instruments require approval of any mortgagee or lienholder of record and the mortgagee or lienholder of record receives a request to approve or consent to the amendment to the condominium or community instruments, the mortgagee or lienholder of record is deemed to have approved or consented to the request unless the mortgagee or lienholder of record delivers a negative response to the requesting party within 60 days after the mailing of the request. Requires any mailing to a mortgagee or lienholder to be sent certified mail.	Neutral as amended	4/27/17-Passed House 114-0-1 5/29/17-Passed Senate 52-0-1 8/24/17-Signed into law by Gov. Rauner as P.A. 100-0292, eff. 1/1/18
HB 2536	Rep. McAsey	Amends the Uniform Disposition of Unclaimed Property Act to require the holder of property presumed abandoned to mail, at least 60 days before the deadline for filing the holder's annual report, a letter to the owner at the owner's last known address setting forth the provisions necessary to prevent abandonment from being presumed. Requires the letter to be sent by certified mail rather than first class mail.	Oppose as introduced	4/28/17-Re-referred to Rules
SB 65	Sen. Hastings	Amends the Title Insurance Act to provide that in a transaction for the sale and purchase of residential real property, all title insurance policies for that transaction shall be issued through the same policy issuing entity, except as otherwise agreed by the seller and buyer. Effective January 1, 2018.	Neutral	8/4/17-Referred to Assignments
SB 1556	Sen. Cunningham Rep. Evans	Amends the Illinois Vehicle Code to provide that a certificate of title issued by the Secretary of State shall contain the names and fax numbers or electronic addresses of any lienholders (rather than only the names of the lienholders) and the certificate's expiration date. Provides that an expiration date of 2 calendar years after the end of term of the lien shall be included in each certificate of title issued to a lienholder who has a perfected security interest. Provides that if a recorded lienholder does not reaffirm a lien and does not respond to a request to verify a lien release letter within 7 calendar days of receipt, the Secretary shall process an application for corrected title for the owner of a motor vehicle. Makes other changes to the Vehicle Code. Effective January 1, 2018. SCA #1 removes the lien extinguishment provisions. HCA #1 Removes lien expiration date from certificate of title contents.	Neutral as amended	4/26/17-Passed Senate 54-0 5/18/17-Passed House 108-0 5/31/17-Senate Concurs on HCA #1 56-0 8/25/17-Signed into law by Gov. Rauner as P.A. 100-0450, eff. 1/1/18
SB 1700 HB 2831	Sen. McConaughay Rep. Lang	Creates the Property Assessed Clean Energy Act. Provides that a local unit of government may establish a property assessed clean energy program. Provides that, to finance or refinance one or more energy projects on the property covered by the program, a local unit of government may impose an assessment pursuant to the terms of an assessment contract with the record owner of the property to be assessed. Provides that a local unit of government may issue bonds to finance energy projects under a property assessed clean energy program. Provides that the assessment contract must be a voluntary written contract and mortgagee consent must be procured. Amendment deletes non-enforceability of mortgage acceleration provisions. Effective immediately.	Neutral as amended	5/18/17-SB 1700 Passed Senate 54-0 5/31/17-Re-referred to Rules 4/28/17-HB 2831 Passed House 73-28 5/17/17-Passed Senate 53-0 8/11/17-Signed into law by Gov. Rauner as P.A. 100-0077, eff. 8/11/17
SB 1832	Sen. Mulroe Sen. Holmes	Amends the Mechanics Lien Act to provide that all moneys withheld as retainage from payments made to any contractor or subcontractor under any construction contract, except those contracts that provide for retainage of 5% or less, shall be held in trust for the benefit of the contractors and subcontractors from whom the retainage has been withheld. Provides that separate records of account shall be kept for each person for whom trust funds are held, and trust funds are not required to be deposited into a separate bank account solely for that purpose as long as trust funds are not expended in a prohibited manner.	Oppose	8/4/17-Referred to Assignments

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