

# 101<sup>st</sup> ILLINOIS GENERAL ASSEMBLY LEGISLATIVE UPDATE

## " TOP 30 " BILL STATUS REPORT

ACTION AS OF JUNE 12, 2020

Bill	Sponsor	Synopsis	Suggested ICUL Position	Last Activity or Action
<a href="#">HB 4887</a>  <a href="#">SB 3346</a>	Rep. Jay Hoffman  Sen. Antonio Muñoz	Amends the Illinois Credit Union Act as follows: <ul style="list-style-type: none"> <li>• Section 12: Establishes a 2 year moratorium during which no regulatory fee credits will be issued to credit unions and no regulatory fee escalations will be assessed against credit unions</li> <li>• Section 20.5 (new): Authorizes the Board of Directors to appoint associate directors to serve in an advisory capacity</li> <li>• Section 23: Deletes provision requiring IDFPFR to establish, by rule, maximum rates of compensation for the Board of Directors, in exchange for IDFPFR review of credit union Director compensation policies for reasonableness and the issuance of administrative orders if there is a safety and soundness issue</li> <li>• Section 51: Increases a credit union's aggregate CUSO loan authority from 3% to 6% of the credit union's paid in and unimpaired capital and surplus.</li> <li>• Section 57: Clarifies that in the context of a merger, the surviving credit union may identify the merging credit union as a division, branch, unit, or other descriptive brand reference.</li> <li>• Section 59: Increases a credit union's aggregate CUSO investment authority from 3% to 6% of the credit union's paid in and unimpaired capital and surplus.</li> <li>• Section 64.7: Makes explicit that in network credit union mergers, if the merging divisional credit union establishes an advisory board of directors, those directors must sign confidentiality agreements</li> </ul> Effective immediately. <b>(ICUL Initiative)</b>	Support	3/3/2020: Assigned to House Financial Institutions Committee  3/5/2020: Senate 2 <sup>nd</sup> Reading 4/12/2020: Referred to Assignments
<a href="#">HB 4813</a>	Rep. Michael J. Zalewski	Amends the Revised Uniform Unclaimed Property Act ("RUUPA"). This is the financial institution coalition agreed RUUPA bill with the Treasurer's Office that was contained in HB 3806 (2018), which passed the Senate unanimously on May 31, 2018, and HB 2677 in 2019. It: <ul style="list-style-type: none"> <li>• Clarifies provisions relating to time deposits and when the presumptive period of abandonment begins to run for this type of property; additionally clarifies when reporting and delivery of this property must occur</li> <li>• Unlike HB 3806 and HB 2677, retains a presumptive period of abandonment of 3 years for time deposits, to avoid a fiscal impact debate</li> <li>• Reinstates visitation standards for federally chartered financial institution examinations of unclaimed property under the Act</li> <li>• Modernizes the language of the "Consolidated Statement Rule" to ensure applicability to multiple accounts held by the same owner at a single financial organization</li> <li>• Provides technical edits to clarify the confidentiality of records as they relate to financial institutions</li> </ul> Effective immediately. <b>(ICUL Coalition Initiative)</b>	Support	3/12/2020: Assigned to Revenue & Finance Committee
<a href="#">HB 4897</a>	Rep. Camille Y. Lilly	Amends the Illinois Credit Union Act to provide that if a subpoena, summons, warrant, or other request for a member's records is presented to the credit union by a federal government agency or department, a credit union is not required to release records until the credit union has been furnished with a written certification that the requesting agency or department has satisfied its obligations under the federal Right to Financial Privacy Act of 1978. Also amends the Payable on Death Accounts Act to add a default standard for a per stirpes distribution to descendants of a beneficiary that predeceases the last surviving account holder. <b>(ICUL Coalition Initiative)</b>	Support	3/12/2020: Assigned to House Financial Institutions Committee
<a href="#">HB 4989</a>  <a href="#">SB 3195</a>	Rep. Jonathan Carroll  Sen. Jacqueline Y. Collins	Amends the Currency Exchange Act, the Sales Finance Agency Act, the Debt Management Service Act, the Consumer Installment Loan Act, and the Payday Loan Reform Act to increase application fees, license fees, initial license fees, and fees to operate under those Acts. In the Sales Finance Agency Act, the Consumer Installment Loan Act, and the Payday Loan Reform Act, makes changes to the expiration date of licenses under those Acts and adds a fee to reinstate an expired license. Effective immediately.	Support	3/12/2020: Assigned to House Financial Institutions Committee  2/11/2020: Referred to Senate Assignments

<b>SB 2135</b>	Sen. Elgie R. Sims, Jr., et al.  Rep. Kelly Burke, et al.	Amends the Illinois Electronic Commerce Security Act to give statutory approval to the notary and witness guidelines provided in Governor JB Pritzker's Executive Order 2020-14, issued March 26, 2020. The Executive Order, together with Secretary of State Guidance, temporarily allows Illinois notaries public to perform remote online notarizations during the COVID-19 pandemic. Notaries may use real-time electronic technologies featuring high quality audio and video communication, to perform those notarizations. The legislation tracks the standards set forth in the Executive Order and Secretary of State Guidance and continues in effect until 30 days after the expiration of the Governor's emergency declaration regarding COVID-19.	Support	5/23/2020: Passed both Houses  <b>6/12/2020: Signed into law by Governor Pritzker as P.A. 101-0640, eff. immediately</b>
<b>SB 2481</b>	Sen. Antonio Muñoz, et al.	Amends the Use Tax Act, Retailers' Occupation Tax Act and Vehicle Code to delete the \$10,000 tax credit cap on motor vehicle trade-ins and replace the revenue expected to be generated by the cap by modestly increasing the private party vehicle use tax. Effective immediately. <b>(ICUL Coalition Initiative)</b>	Support	4/12/2020: Referred to Assignments
<b>SB 2539</b>	Sen. Michael E. Hastings	Amends the Mortgage Foreclosure Article of the Code of Civil Procedure to provide that the order confirming the sale of property may approve the mortgagee's fees and costs incurred prior to the judgment of foreclosure, but not included in the judgment. Effective January 1, 2021. <b>(ICUL Coalition Initiative)</b>	Support	4/12/2020: Referred to Assignments
<b>SB 3417</b>	Sen. David Koehler	Amends the Conveyances Act to provide that if the Act requires information to be in writing or delivered in writing, or provides for consequences if it is not, an electronic record or electronic delivery satisfies that requirement. Provides that if the Act requires a deed, instrument, record, or other document or information to be executed, signed, or subscribed to in writing, an electronic signature or digital signature satisfies that requirement. Effective immediately. <b>(ICUL Coalition Initiative)</b>	Support	4/12/2020: Referred to Assignments
<b>SB 3896</b>	Sen. Michael E. Hastings	Amends the Personal Information Protection Act to provide that data collectors that maintain or store, but do not own or license, computerized data that includes personal information and that are required to issue notice pursuant to this Section to the owner or licensee of the information that there has been a breach of the security of the data shall notify the Attorney General regarding the breach. Effective immediately. <b>(ICUL Coalition Initiative)</b>	Support	4/12/2020: Referred to Assignments
<b>HB 3953</b>	Rep. Kambium Buckner	Creates the Cannabis Banking and Credit Union Act to establish a procedure for IDFPR to license financial institutions to provide banking services to cannabis businesses. Sets forth provisions concerning an advisory board, application and licensure, authorizations, deposit insurance, banking services, prohibited practices, and operative conditions. Effective immediately.	Oppose	1/28/2020: Assigned to Financial Institutions Committee
<b>HB 3993</b>	Rep. Katie Stuart	Amends the Adult Protective Services Act to expand the definition of "mandated reporter" to include investment advisors and insurance adjusters. Effective immediately.	Oppose	2/19/2020: 2 <sup>nd</sup> Reading
<b>HB 4166</b>	Rep. Lindsay Parkhurst	Amends the Illinois Vehicle Code to provide that no starter interrupt device shall be installed or activated in any vehicle solely as a means to secure payment on the vehicle.	Oppose	2/25/2020: Assigned to House Transportation: Vehicles & Safety Committee
<b>HB 4284</b>	Rep. Robyn Gabel, et al.	Creates the Electric Vehicle Charging Act to provide that a new or renovated residential building with parking is required to have a certain percentage, based on the number of units in the residential building, of its total parking spaces either electric vehicle ready or electric vehicle capable. Provides that a new or renovated nonresidential building is required to have 30% of its total parking spaces electric vehicle ready.	Oppose	2/19/2020: 2 <sup>nd</sup> Reading
<b>HB 4430</b>	Rep. Camille Y. Lilly	Amends the Illinois Credit Union Act to require credit unions to provide an email address of record to IDFPR. In provisions concerning service of certain notices and orders, allows service by email to the email address of record and provides that service to an email address of record is deemed complete when sent. <b>(IDFPR Initiative)</b> .	Oppose	3/12/2020: Assigned House Financial Institutions Committee
<b>SB 3178</b>	Sen. Steve Stadelman			4/12/2020: Referred to Assignments
<b>HB 4837</b>	Rep. Maurice A. West, II	Creates the Employee Background Fairness Act to provide that an employer may not refuse to hire an individual and may not discharge an individual because of the individual's criminal history, unless the individual has one or more convictions and there is a direct relationship between one of more of an individual's convictions and the specific employment sought. Prohibits retaliation for exercising rights under the Act. Provides that an individual denied or discharged from employment because of his or her criminal history in violation of the Act may recover damages, costs and attorney's fees from the employer. Effective immediately.	Oppose	2/25/2020: Assigned to House Labor & Commerce Committee
<b>HB 4911</b>	Rep. Delia C. Ramirez	Amends the Eviction Article of the Code of Civil Procedure to address the sealing of a court file in an eviction action taking specified factors in account. Also, provides that the court file relating to a supplemental eviction petition shall be sealed in a foreclosure action in which a tenant is named as a defendant and makes conforming changes in the Mortgage Foreclosure Article.	Oppose	3/12/2020: House Judiciary Civil
<b>SB 3158</b>	Sen. Jacqueline Y. Collins			4/12/2020: Referred to Assignments
<b>HB 5229</b>	Rep. Will Guzzardi	Amends the Illinois Secure Choice Savings Program Act to provide that the Act applies to employers with at least one employee, rather than not fewer than 25 employees. Provides for automatic increases in contributions. Makes changes regarding penalties for employers who fail, without reasonable cause, to enroll an employee in the Program.	Oppose	3/3/2020: Assigned to House Personnel & Pensions Committee
<b>SB 3811</b>	Sen. Robert F. Martwick			4/12/2020: Referred to Assignments

<a href="#">HB 5574</a>	Rep. Delia Ramirez, et al.	Creates the "COVID-19 Emergency and Economic Recovery Renter and Homeowner Protection Act." While primarily focused on landlords and tenants, as filed it contained troubling provisions for lenders, including cancellation of mortgage principal and interest payments during a 180-day moratorium period, mortgage foreclosure moratorium and forbearance standards inconsistent or redundant with existing federal law and mandatory loss mitigation options including forgiveness of forborne PITI payments. The sponsors took the landlord/tenant provisions establishing a moratorium on evictions, a renter and homeowner relief fund and the sealing of evictions and added them onto SB 3066. No duties were imposed on mortgagees. Realtors and other groups remained opposed and SB 3066 as amended was held on second reading.	Oppose	3/12/2020: Assigned to House Executive Committee  5/15/2020: HCA No. 1 Filed
<a href="#">HB 5603</a>	Rep. Michelle Mussman	Creates the Consumer Privacy Act to provide that a consumer has the right to request that a business that collects the consumer's personal information disclose to that consumer the categories and specific pieces of personal information the business has collected. Requires a business to inform a consumer as to the purposes for which the categories of personal information shall be used. Provides that a consumer has the right, at any time, to opt out of the sale of his or her personal information to third parties. Prohibits a business from discriminating against a consumer who exercises any of the rights established under the Act by denying goods or services or charging the consumer different prices or rates for goods or services. Businesses must comply with other applicable law, but no GLB Act exemption for financial institutions (exempts personal information collected in accordance with GLB Act, but not the entities subject to GLB Act). Establishes statutory penalties for violations of the Act and requires Attorney General to promulgate rules to implement the Act.	Oppose	2/18/2020: Referred to House Rules Committee
<a href="#">SB 2263</a>	Sen. Don Harmon	Creates the Data Privacy Act to provide for the regulation of the use and sale of data. Defines term and establishes consumer rights to copies of information held by persons who control and process data. Provides for the correction of inaccurate data and restrictions on the use of personal data. Provides for the enforcement of the Act by the Attorney General and establishes civil penalties. Exempts GLB Act data, but not entities subject to GLB Act. Effective immediately.	Oppose	4/12/2020: Referred to Assignments
<a href="#">SB 2330</a>	Sen. Thomas Cullerton	Creates the Data Transparency and Privacy Act to provide that any business that processes consumer personal information must, prior to processing, provide notice to the consumer in the service agreement or somewhere readily accessible on the business' website or mobile application. Establishes a "right to know" for consumers and prescribes types of information that they may request of businesses. Provides that consumers have the right to opt out of agreements that entail the disclosure of personal information from the business to third parties and affiliates, the sale of personal information from the business to third parties and affiliates, and the processing of personal information by the business, third parties, and affiliates. Prescribes a protocol for the handling of consumer requests by businesses to correct inaccurate personal information. Provides that businesses, affiliates, and third parties must conduct risk assessments and provides requirements for the assessments. Provides that enforcement of the Act may arise through private actions or enforcement by the Attorney General. No GLB Act exemption Effective July 1, 2021.	Oppose	4/12/2020: Referred to Assignments
<a href="#">SB 3439</a>	Sen. Rachele Crowe	Amends the Illinois Securities Law to establish protections against the financial exploitation of persons 60 years of age or older and persons subject to the Illinois Adult Protective Services Act. Mandates the reporting of incidents of potential exploitation and the production of pertinent records.	Oppose	4/12/2020: Referred to Assignments
<a href="#">SB 3852</a>	Sen. Ram Villivalam	Amends the Adult Protective Services Act to expand the definition of "mandated reporter" to include a person who performs the duties of a banker, broker, investor, investment advisor, attorney, financial consultant or financial advisor, broker-dealer, or administrator, regulator, or supervisor of any of the foregoing.	Oppose	2/14/2020: Referred to Senate Assignments
<a href="#">HB 1604</a>	Rep. Ann M. Williams	Amends the Title Insurance Act, in provisions concerning choice of a title insurance company, to provide that parties to a contract for the sale of residential real property have the right to choose the independent escrowee that will provide title insurance. Also provides that for a county with a population not less than 500,000, in a transaction for the sale and purchase of residential real property, the title insurance company issuing the owner's title insurance policy shall issue the lender's title insurance policy for that transaction, unless the buyer and seller agree otherwise or the buyer or seller is offered a discount of fees as an inducement to split the title insurance policies, unless the title insurance company issuing the owner's policy agrees to offer the same discount of fees.	Neutral	2/11/2020: Assigned to House Commercial Law Subcommittee of Judiciary - Civil Committee
<a href="#">HB 2736</a>	Rep. Kambium Buckner	Creates the Right to Know Act to provide that an operator of a commercial website or online service that collects personally identifiable information through the Internet about individual customers residing in Illinois who use or visit its commercial website or online service shall notify those customers of certain specified information pertaining to its personal information sharing practices. Exempts financial institutions subject to the GLB Act.	Neutral	1/28/2020: Assigned to House Cybersecurity, Data Analytics, & IT Committee
<a href="#">HB 4403</a>	Rep. La Shawn K. Ford	Amends the Illinois Credit Union Act to provide that IDFPFR may accept an examination of a credit union made by the credit union's share insurer as an alternative to the biennial examination of a credit union conducted by IDFPFR or a public accountant registered by IDFPFR. <b>(IDFPFR Initiative)</b>	Neutral	2/27/2020: 2 <sup>nd</sup> Reading
<a href="#">SB 3114</a>	Sen. Robert Peters			4/12/2020: Referred to Assignments

<a href="#">HB 5204</a>	Rep. Keith R. Wheeler	Creates the Cybersecurity Compliance Act to establish an affirmative defense for every covered entity that creates, maintains, and complies with a written cybersecurity program that contains administrative, technical, and physical safeguards for the protection of either personal information or both personal information and restricted information and that reasonably conforms to an industry-recognized cybersecurity framework.	Neutral	2/26/2020: Assigned to House Commercial Law Subcommittee of Judiciary – Civil Committee
<a href="#">HB 5235</a>	Rep. Jay Hoffman	Amends the Illinois Vehicle Code to provide that a towing service shall possess, before the towing service arrives at the scene of an accident from which a vehicle is to be towed or transported, proof that the owner or operator of the vehicle initiated contact with the towing service regarding service. Provides that any towing service authorized to tow a vehicle is entitled to the payment of applicable recovery, towing, and storage charges, and shall have a lien against the vehicle to secure payment. Fails to address the priority of the lien in relation to a prior properly perfected secured lender lien on the vehicle. Effective immediately.	Neutral	2/18/2020: Referred to House Rules Committee
<a href="#">SB 3596</a>	Sen. Jason A. Barickman	Amends the Code of Civil Procedure to provide that, in mortgage foreclosure actions that require service by publication because the defendant cannot be found, the plaintiff, or his or her attorney, (rather than the clerk of the court) shall send a copy of the publication to the defendant. Also provides that the certificate of the plaintiff (rather than the clerk of the court) is evidence that the plaintiff sent a copy of the publication to the defendant. Provides that a copy of the certificate shall be filed at the office of the clerk of the court where the action is pending.	Neutral	4/12/2020: Referred to Assignments
<a href="#">SB 3698</a>	Sen. Linda Holmes	Amends the Illinois Notary Public Act to provide requirements concerning electronic notarization and electronic notaries public. Amends the Uniform Real Property Electronic Recording Act to provide that a paper or tangible copy of an electronic document that a notary public has certified to be a true and correct copy satisfies specified recording requirements. Provides further requirements concerning the certification of electronic documents by notaries public. Effective January 1, 2021, or upon the adoption by the Secretary of State of rules necessary for implementation, whichever is later.	Neutral	4/12/2020: Referred to Assignments

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