

102nd ILLINOIS GENERAL ASSEMBLY LEGISLATIVE UPDATE

"TOP 30" BILL STATUS REPORT

ACTION AS OF September 7, 2022

Bill	Sponsor	Synopsis	Suggested ICUL Position	Last Activity or Action
<p>HB 4462</p> <p>SB 3145</p>	<p>Rep. Jay Hoffman</p> <p>Sen. Tony Munoz</p>	<p>Amends the Illinois Credit Union Act as follows:</p> <ul style="list-style-type: none"> Section 16.5 (new): Draws upon federal Community Development Banking and Financial Institutions Act ("CDFI Act") and Treasury regulations to enable credit unions to serve "Target Markets" consisting of low income and minority groups ("Targeted Populations") and distressed geographic areas ("Investment Areas"). Sections 19 and 20: In relation to member electronic voting, deletes obsolete references to ECSA terms, in light of its repeal and passage of UETA in 2021. Section 20: Provides explicit statutory authority for the Board of Directors to appoint a nominating committee and identifies the basic function of the committee to recruit, evaluate and nominate eligible candidates to serve as Directors. Section 34: As a matter of federal parity, confirms that small credit unions (less than \$10 million in assets) that do not have GAAP external independent audits may determine their allowance for loan losses in accordance with any reasonable reserve methodology that covers known and probable loan losses (and per IDFP Rule 190.70), in lieu of adherence to the new current expected credit losses (CECL) standard for fiscal years beginning after 12/15/2022. Section 39: Clarifies existing authority to make charitable contributions by providing that credit unions may establish donor advised fund accounts, pursuant to which they transfer assets to an IRC §501(c)(3) charity, who in turn makes grant contributions to IRC §501(c)(3) organizations upon the direction of the credit union. Section 42: Clarifies that a member who is a personal representative of a deceased or disabled non-member may establish an estate account for the deceased or disabled person. Section 59: Authorizes credit unions to invest in "fintech companies" that provide automated software and other financial service technologies of current or prospective benefit to credit unions, members and consumers eligible for membership, subject to several due diligence criteria to ensure safety and soundness with respect to the investment(s) <p>(ICUL Initiative)</p>	Support	<p>3/04/2022: House – Passed House (104-0)</p> <p>3/31/2022: Passed Senate (53-0)</p> <p>5/13/2022: Signed into law by Gov. Pritzker as P.A. 102-0774, eff. immediately (except § 16.5 – eff. 1/01/2023)</p> <p>3/25/2022: (SB 3145) – Re-referred to Senate Assignments</p>
HB 2775	<p>Rep. LaShawn Ford, et al.</p> <p>Sen. Ram Villivalam, et al.</p>	<p>SCA #1 replaces everything after the enacting clause. Amends Illinois Human Rights Act to add as prohibition and civil rights violation in real estate transactions unlawful discrimination based on source of income, provided that a financial institution is not prohibited from considering source of income in a real estate transaction in compliance with state or federal law.</p>	Support (with SCA #1)	<p>4/22/2021: Passed House (62-48-2)</p> <p>4/1/2022: Passed Senate (30-17)</p> <p>5/24/2022: Signed into law by Gov. Pritzker as P.A. 102-0896, eff. 01/01/2023</p>
HB 4410	<p>Rep. Lamont Robinson, Jr., et al.</p> <p>Sen. Mattie Hunter, et al.</p>	<p>Creates the Real Estate Valuation Task Force Act and establishes a Task Force consisting of 15 members, one of whom is a representative of a statewide association representing credit unions. Task Force duties include harmonizing collateral underwriting standards of the agencies and entities represented on the Task Force and conducting a study to determine if there are racial disparities at both the borrower and community level in the valuation and price of residential real estate used as collateral for mortgage loans. Provides for reporting requirements and termination of the Task Force.</p>	Support	<p>3/04/2022: Passed House (103-0)</p> <p>3/30/2022: Passed Senate (55-0)</p> <p>5/27/2022: Signed into law by Gov. Pritzker as P.A. 102-0934, eff. 01/01/2023</p>

HB 4689	Rep. Mark Walker and Katie Stuart Sen. Meg Loughran Cappel	Amends the Illinois Banking Act concerning customer financial records and confidentiality to permit the disclosure of financial information to the executor, executrix, administrator, or other lawful representative of the estate of a customer. Amends the Financial Institutions Electronic Documents and Digital Signatures Act to provide that consent to electronic transactions given by the customer pursuant to the federal Electronic Signatures in Global and National Commerce Act shall satisfy applicable consent requirements. Amends the Probate Act of 1975 to provide that any person doing business or performing transactions on behalf of or at the direction of an executor or administrator with a will annexed shall be entitled to the presumption that the executor or administrator is lawfully authorized to conduct the business or perform the transaction without such person investigating the source of the authority and without verifying that the actions of the executor or administrator comply with a will or any order of the probate court, unless such person has actual knowledge to the contrary.	Support (with reciprocal amendment to ICUA – HFA 1)	3/02/2022: Passed House (113-0) 3/25/2022: Senate-Re-referred to Assignments
HB 5035	Rep. William Davis, et al. Sen. Ram Villivalam	Amends the Public Construction Bond Act to reduce barriers for diverse and small businesses by enabling the Department of Transportation to implement a 5-year pilot program to allow a contractor to provide a non-diminishing irrevocable bank letter of credit in lieu of specified bond requirements on contracts under \$500,000. Provides that projects selected by the Department for the pilot program must be classified by the Department as low-risk scope of work contracts. Provides for the adoption of rules concerning the criteria for pilot project selection and implementation of the pilot program.	Support	3/01/2022 – Passed House (106-0-3) 4/09/2022: Passed Senate (55-0) 5/27/2022: Signed into law by Gov. Pritzker as P.A. 102-0968, eff. 01/01/2023
HB 5194	Rep. LaShawn Ford, et al. Sen. Doris Turner, et al.	Creates the Banking Development District Act and establishes a banking development district program, the purpose of which is to encourage the establishment of branches in underbanked geographic locations. The program is administered by IDFP in consultation with the State Treasurer. When depositing state funds, the State Treasurer may give preference to depository institutions that have an approved banking development district.	Support	5/13/2022: Signed into law by Gov. Pritzker as P.A. 102-0802, eff. 01/01/2023
HB 5243	Rep. Keith R. Wheeler	Creates the Cybersecurity Compliance Act. Creates 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. Prescribes requirements for the cybersecurity program.	Support	2/18/2022: Re-referred to Rules
SB 3034	Sen. Michael E. Hastings	Amends the Code of Civil Procedure concerning notices of foreclosure to remove the requirements that a copy of the notice of foreclosure must be sent to the municipality or county in which the mortgaged real estate is located; and if the real estate is located in a city with a population of more than 2,000,000, a copy of the notice of foreclosure must be sent to the alderperson for the ward in which the real estate is located and file an affidavit with the court attesting to the fact that the notice was sent.	Support	2/10/2022: Re-referred to Assignments
SB 3035	Sen. Michael E. Hastings	Amends the Mortgage Foreclosure Article of the Code of Civil Procedure to provide that a default for failing to make a scheduled payment each month as required under any applicable note and mortgage shall constitute a basis for a new, separate and distinct cause of action. Provides that any voluntary dismissal of a foreclosure shall act as a deceleration of the note and mortgage. Codifies <u>Bank of New York v. Dubrovay</u> .	Support	1/05/2022: Referred to Assignments
SB 3174	Sen. Sara Feigenholtz and Rachelle Crowe Rep. Stephanie A. Kifowit	Amends the Revised Uniform Unclaimed Property Act to allow the administrator to deliver property or pay the amount owing to a person without the person filing a claim if the value of the property that is owed the person is \$5,000 (rather than \$2,000) or less. Allows the administrator to waive a specific requirement and pay or deliver property directly to a person if the property has a value of less than \$2,000 (rather than \$500). Allows an heir or agent who files an unclaimed property claim in which the decedent's property does not exceed \$250 (rather than \$100) to submit an affidavit attesting to the heir's or agent's capacity to claim in lieu of submitting a certified copy of the will to verify a claim. Provides that an affidavit is not required to include a copy of the decedent's death certificate if other evidence of the death of the owner is available. Makes conforming changes. Effective immediately.	Support	2/16/2022: Passed Senate (55-0) 3/30/2022: Passed House (113-0) 5/13/2022: Signed into law by Gov. Pritzker as P.A. 102-0835, eff. immediately
SB 3971	Sen. Laura Murphy, et al. Rep. LaShawn Ford and Barbara Hernandez	Amends the Illinois Banking Act concerning the disclosure of financial records after sending a copy of the subpoena, summons, warrant, citation, or court order to the person establishing the relationship with the bank to add as methods of sending: (i) delivery through a third-party commercial carrier or courier with delivery charge fully prepaid, (ii) hand delivery, and (iii) electronic delivery at an email address on file with the bank. In provisions concerning retention of records, provides that except where a retention period is required by State or federal laws, rules, or regulations, a bank may retain and destroy its records consistent with prudent business practices. Makes the same changes in the Savings Bank Act and Illinois Credit Union Act.	Support (with reciprocal amendment to ICUA – SFA 1)	2/24/2022: Passed Senate (55-0) 4/01/2022: Passed House (108-0) 5/13/2022: Signed into law by Gov. Pritzker as P.A. 102-0873, eff. immediately
HB 3271	Rep. Natalie A. Manley	Amends the Criminal Code of 2012 to provide that it is a crime to engage in telephonic solicitation of a person who is 65 years of age or older. Defines "telephonic solicitation".	Oppose	2/18/2022: Re-referred to Rules
HB 4340	Rep. Dagmara Avelar	Amends the Code of Civil Procedure to provide that a language concerning the revival of a consumer debt judgments applies to judgments entered on or after January 1, 2010. Effective immediately.	Oppose	2/18/2022: Re-referred to Rules

HB 4557	Rep. Will Guzzardi	Creates the Public Bank Task Force Law and sets forth the duties and responsibilities of the Task Force and provisions concerning appointment of the task force members. Provides that the task force shall submit a report of its findings to the General Assembly by September 30, 2023, written by an independent authority with subject matter expertise, and that the Task Force is dissolved and the Act is repealed on September 30, 2024. HAM #1 adds financial institution representation to Task Force.	Oppose	2/18/2022: Re-referred to Rules
HB 4829	Rep. Keith R. Wheeler	Amends the Local Governmental and Governmental Employees Tort Immunity Act to provide that a public entity or a public employee is not liable for injury caused by any unauthorized access to government records, data, or electronic information systems by any person or entity.	Oppose	2/18/22: Re-referred to Rules
HB 5390	Rep. Edgar Gonzalez, Jr., et al.	Creates the Tenant Protection Act to provide that a landlord may increase the rent no more than once every 12 months, by an amount no greater than the percentage change in the Consumer Price Index for the same 12-month period or 3%, whichever is lower. Creates the Residential Rental Registry and requires a landlord to pay a rental registry fee. Requires a landlord to register all dwelling units with the Illinois Housing Development Authority by January 15th of each year. Creates the Tenant Bill of Rights, with provisions governing a landlord's right of access, prohibited harassment, required notices, a landlord's responsibility to maintain, a tenant's remedies, security deposits, notification of foreclosure actions, and the prohibition of retaliatory conduct by a landlord. Amends the Code of Civil Procedure to add provisions governing the refusal to renew and the termination of a tenancy for other than good cause. Removes a provision regarding the notice to terminate a tenancy for less than a year.	Oppose	2/18/22: Re-referred to Rules
SB 3119	Sen. Brian Stewart	Amends the Illinois Credit Union Act to provide that an acquiring credit union shall be liable for a fee equal to 10% of the book value of the assets or liabilities, whichever is greater, of a bank that has been purchased by the credit union. Provides that the provision applies to all banks, savings banks, savings and loan associations, and credit unions chartered or holding a certificate of authority to do business under the laws of this State or any other state or under the laws of the United States.	Oppose	2/10/2022: Re-referred to Assignments
SB 3480	Sen. Laura Murphy	Amends the Illinois Banking Act to provide that a bank or financial institution that has provided a loan for the purchase of personal property and attached a lien on that property shall deliver to the lienee a certificate of release, for recording, within 10 days after receipt of total payment pursuant to the bank's or financial institution's written payoff statement.	Oppose	2/10/2022: Re-referred to Assignments
SB 3973	Sen. Laura M. Murphy	Amends the Mortgage Foreclosure Article of the Code of Civil Procedure to require a court file to be sealed upon the commencement of any foreclosure action during the COVID-19 emergency and economic recovery period. Provides that the amendatory Act applies to any action to foreclose a mortgage relating to (i) residential real estate, and (ii) real estate improved with a dwelling structure containing dwelling units for 6 or fewer families living independently of each other in which the mortgagor is a natural person landlord renting the dwelling units, even if the mortgagor does not occupy any of the dwelling units as the mortgagor's personal residence. Effective immediately.	Oppose	1/21/2022: Referred to Assignments
HB 1091	Rep. Maura Hirschauer, et al. Sen. Suzy Glowiak Hilton	SFA #4 amends Criminal Code to add definition of "stored value card" and crime of "organized retail crime," which includes receiving, possessing or purchasing any merchandise or stored value cards obtained from a fraudulent return with the knowledge that the property was obtained in violation of this new section. Also amends section of Criminal Code addressing use of credit or debit cards with intent to defraud to delete proposed liability shift to card issuer in connection with fraudulent use of the card and provide that issuers and merchants shall adhere to applicable dispute management guidelines of the card associations with whom the merchant maintains an agreement.	Neutral (with SFA #4)	5/13/2022: Signed into law by Gov. Pritzker as P.A. 102-0757, eff. immediately, except Art. 1 eff. 01/01/2023
HB 3453	Rep. Ann Williams, et al.	Creates the Geolocation Privacy Protection Act to provide that a private entity that owns, operates, or controls a location-based application on a user's device may not disclose geolocation information from a location-based application to a third party unless the private entity first receives the user's affirmative express consent after providing a specified notice to the user. Sets forth the purposes for which disclosure may be made. Provides that a violation of the Act constitutes an unlawful practice for which the Attorney General may take appropriate action under the Consumer Fraud and Deceptive Business Practices Act. Exempts from its provisions financial institutions subject to the federal GLB Act.	Neutral	2/18/2022: Re-referred to Rules
HB 4322	Rep. Curtis J. Tarver, II Sen. Elgie Sims	Amends the Residential Real Property Disclosure Act to provide that if, prior to closing, any seller becomes aware (rather than has actual knowledge) of an error, inaccuracy, or omission in any prior disclosure report or supplement after delivery of that disclosure report or supplement to a prospective buyer, that seller shall supplement the prior disclosure report. Makes changes to the disclosure report form. Provides that if a seller discloses a material defect in the disclosure report, a prospective buyer, within 5 (rather than 3) business days after receipt of the disclosure report, may terminate the contract. Provides that if a seller discloses a material defect in a supplement to the disclosure, the prospective buyer shall not have a right to terminate unless: (i) the material defect results from an error, inaccuracy, or omission of which the seller had actual knowledge at the time of the prior disclosure; (ii) the material defect is not repairable prior to closing; or (iii) the material defect is repairable prior to closing, but within 5 business days after delivery of the supplemental disclosure, the seller declines, or otherwise fails to agree in writing, to repair the material defect.	Neutral	3/03/2022: Passed House (111-0) 3/31/2022: Passed Senate (53-0) 5/13/2022: Signed into law by Gov. Pritzker as P.A. 102-0765, eff. immediately

HB 4605	Rep. Jennifer Gong-Gershowitz Sen. Celina Villanueva	Amends the Illinois Human Rights Act to provide that it is a civil rights violation for an owner or any other person engaging in a real estate transaction, or for a real estate broker or salesman to otherwise make unavailable or deny a dwelling because of unlawful discrimination, familial status, or an arrest record. Allows a plaintiff or defendant to demand a trial by jury for specified civil actions. HFA 2 removes objectionable civil rights violation language.	Oppose Neutral as amended by HFA 2)	4/22/2022: Signed into law by Gov. Pritzker as P.A. 102-0706, eff. immediately
HB 5220	Rep. Mark L. Walker Sen. Ann Gillespie	Amends the Regulatory Sunset Act to remove the Collection Agency Act from the provisions of the Act. Amends the Financial Institutions Code to set forth the powers and duties of the Division of Financial Institutions of the Department of Financial and Professional Regulation. Amends the Collection Agency Act to provide that no action may be filed against any licensee for violation of the terms of the Act or its rules unless the action is commenced within 5 years after the discovery of the alleged violation (rather than the occurrence of the alleged violation). Makes several administrative and technical changes to the Act.	Neutral	3/03/2022: Passed House (104-0) 3/31/2022: Passed Senate (54-0) 5/27/2022: Signed into law by Gov. Pritzker as P.A. 102-0975, eff. 01/01/2023
SB 62	Sen. Robert Martwick, et al. Rep. Ann Williams	Amends the Revised Uniform Unclaimed Property Act to provide that for an amount held on a payroll card, an indication of owner interest includes wages from an employer under the Illinois Wage Payment and Collection Act in the form of a recurring Automated Clearing House (ACH) credit previously authorized by the apparent owner. However, also provides that an ACH credit is <u>not</u> an indication of owner interest if the holder assesses fees for account inactivity on the payroll card account.	Neutral (SCA 1)	5/06/2022: Signed into law by Gov. Pritzker as P.A. 102-0734, eff. 01/01/2023
SB 3629	Sen. Laura M. Murphy Rep. Martin Moylan	Amends the Illinois Vehicle Code to provide that if a vehicle owner has a legal agreement with the owner of private property permitting the vehicle owner to park on the property, the owner or person in charge of the private property shall provide notice of a tow of the vehicle that is personally given to the owner or other legally authorized person in control of the vehicle. Amends the Labor and Storage Lien (Small Amount) Act to provide that notice of a lien sale shall be personally given to the owner or other legally authorized person in control of the vehicle, in addition to written notice that is provided by certified mail, return receipt requested. Provides that the notice is effective upon the owner or other legally authorized person in control of the of the vehicle personally receiving notice, rather than upon the mailing of the notice. As amended by SFA 3 and SFA 4, creates the "Tow Notice Act."	Oppose Neutral (with SCA 1, SFA 3, and SFA 4 that delete objectionable Labor and Storage Lien Act change)	3/09/2022: Passed Senate (37-12) 3/31/2022: Passed House (108-2) 5/13/2022: Signed into law by Gov. Pritzker as P.A. 102-0846, eff. 01/01/2023
SB 3650	Sen. Robert Martwick Rep. Janet Yang Rohr	Amends the Limitations Article of the Code of Civil Procedure to provide that an action to establish an equitable mortgage or equitable lien against real estate or a claim for subrogation to a prior mortgage shall be commenced within 10 years after the cause of action accrues. Provides that, with exceptions, a cause of action accrues when the debt held by the equitable mortgagee, equitable lien claimant, or subrogee is in default by way of maturity, acceleration, demand, or otherwise, unless a payment or new promise to pay within the 10-year period has been made, in which case the action may be commenced within 10 years after that payment or promise to pay. Provides that the amendatory language is declarative of existing law.	Neutral	2/23/2022: Passed Senate (53-0) 4/05/2022: HFA #1 Referred to Jud Civil 4/11/2022: Re-referred to Rules
SB 3722 SAM #1	Sen. Karina Villa	Amends the Code of Civil Procedure to double the homestead exemption from \$15,000 to \$30,000 and to double the homestead exemption from \$30,000 to \$60,000 if 2 or more individuals own property that is exempt as a homestead.	Neutral	2/18/2022: Re-referred to Assignments
SB 3787	Sen. John Connor Rep. Jonathan Carroll	Amends the Illinois Credit Union Act to provide that one or more credit unions may be examined less frequently than biennially upon the Secretary's written statement, which includes a finding that good cause exists; a finding that there is no reasonable expectation that harm to members will result; and, to the extent reasonable under the circumstances, identification of the affected credit unions and the expected frequency of examination. Provides that the written statement shall not be confidential supervisory information except to the extent it names or permits the identification of specific credit unions. Provides that the Secretary may accept an examination from the NCUA or a private insurer instead of an examination conducted by the Department or by a public accountant registered by the Department. Makes other changes. (IDFPR Initiative).	Oppose Neutral as amended by SFA 1 to delete indefinite exam suspension provision	2/24/2022: Passed Senate (53-0) 3/31/2022: Passed House (112-0) 5/13/2022: Signed into law by Gov. Pritzker as P.A. 102-0858, eff. immediately
SB 3847	Sen. Christopher Belt Rep. Sonya Harper, et al.	Amends the Community Development Loan Guarantee Act to provide that the State Treasurer may establish the Loan Guarantee Program by establishing one or more Loan Guarantee Accounts at approved financial institutions (currently, one Account as a special account outside the State treasury with the State Treasurer as custodian). Provides that moneys in a Loan Guarantee Account may be paid to a participating financial institution to cover losses on guaranteed loans up to the full amount in the Account or the amount of loss, whichever is lesser. Provides that the State of Illinois and the State Treasurer shall not be responsible for any losses in excess of the full amount in the Loan Guarantee Account designated for a participating financial institution. Provides that the State Treasurer may withdraw funds from any Loan Guarantee Account for a financial institution's failure to comply with Program requirements. Makes conforming and other changes. Effective immediately.	Neutral	2/16/2022: Passed Senate (53-0) 4/06/2022: Passed House (71-41) 5/27/2022: Signed into law by Gov. Pritzker as P.A. 102-1027, eff. immediately