

Illinois Legislation Effective 2012

Public Act 97-0016 (House Bill 219) — rear seat passenger seat belts. Amends the Illinois Vehicle Code to mandate seat belt use by back seat passengers; provides exceptions for back seat passengers of authorized emergency vehicles and taxicabs. [effective date: January 1, 2012]

Public Act 97-021 (House Bill 141) — notice of radon hazard in leased premises. Amends the Illinois Radon Awareness Act to require lessors of real property (dwelling units below the third story above ground level) to notify in writing any potential new lessee of the existence of a radon hazard if the current or prior lessee has notified the lessor in writing of radon test results indicating a radon hazard. If the lessor conducts his/her/its own radon test revealing the existence of a radon hazard, the lessor must disclose the existence of the radon hazard in writing to the current lessee and to any potential new lessee; if the lessor undertakes radon hazard mitigation efforts and a subsequent radon test shows that the radon hazard no longer exists, then the lessor is no longer obligated to make the disclosure. Nothing in this legislation exempts financial institution creditors that become lessors through ownership of OREO with tenants. Expressly states that the lessor has no affirmative obligation to conduct radon testing. [effective date: January 1, 2012]

Public Act 97-0118 (House Bill 1379) — repeal of "Torrens Act." Repeals the Torrens Act regarding registration of lands effective January 1, 2014; the Torrens Act was previously scheduled for repeal on July 1, 2037. [effective date: Although the legislation technically becomes legally effective on January 1, 2012, the legislation expressly specifies that the repeal is not effective until January 1, 2014]

Public Act 97-0133 (House Bill 3050) — revisions to Illinois Credit Union Act. Amends numerous sections of the Illinois Credit Union Act to reflect the division of authority between the Director of the Division of Financial Institutions and the Secretary of the Illinois Department of Financial & Professional Regulation ("IDFPR"). Addresses limitations on out-of-state credit unions operating in Illinois under reciprocity conditions. Specifies processes and time frames relating to civil monetary penalties (i.e., administrative fines) levied by IDFPR against credit unions and the ability of the credit unions to "cure" the violation and thus avoid the monetary sanction. Makes numerous other grammatical, technical or non-substantive revisions. [effective date: January 1, 2012]

Public Act 97-0139 (House Bill 3513) — display of customer's social security number. Amends Illinois' Consumer Fraud and Deceptive Business Practices Act to prohibit the printing of a customer's social security number "on the outside of any file associated with the products or services provided." [effective date: January 1, 2012]

Public Act 97-0147 (Senate Bill 1699) — felony classifications for "financial crime." Amends Section 16H-60 of the Criminal Code to stratify varying felony degrees (e.g., from Class 1 felony to Class X felony) based on the financial amount involved in the specific instances. [effective date: January 1, 2012] **Public Act 97-0219 (Senate Bill 64)** - - "false personation" under Criminal Code. Amends the Criminal Code to broaden the crime of "false personation" to include situations where the wrongdoer falsely represents himself or herself to be a different, actual person in an effort to injure, defraud, or obtain a benefit from another person or entity and where the wrongdoer falsely represents himself or herself to be a representative of another person or an organization and acts in such false capacity with the intent to obtain a benefit, to injure or to defraud a person or entity. Adds a provision clarifying that a false personation violation can be conducted in person or by any means of communication, including Internet or other electronic communication. [effective date: January 1, 2012]

Public Act 97-0231 (Senate Bill 2027) — "forgery" under Criminal Code. Amends the Criminal Code's section covering forgery by broadening the definition to include making a false document or altering a document to make it false when the resulting document is capable of defrauding someone. Also explains that the references to "false document" include a document the contents of which are false in some material way, or that purports to have been made by another at another time, or with different provisions, or by authority of one who in truth did not grant such authority. Forgery violation is a Class 3 felony. [effective date: January 1, 2012]

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