



ILLINOIS LEGISLATION EFFECTIVE JANUARY 1, 2020

Public Act 100-1101: Repeals several Illinois military service statutes and replaces with the new “Service Member Employment and Reemployment Rights Act.” Service member need only give notice of departure for military leave to employer (consent from employer or accommodation of employer’s work schedules is not required); “military necessity,” as determined by the State military authority, is exception to advance notice; while on military leave, service member’s employee “performance rating” must be calculated as no lower than the composite average of the three years immediately prior to departure for service, and no lower than the most recent performance rating. For purposes of seniority, time of military service counts as on-the-job time; employer must give notice of rights and benefits to “employees entitled to rights and benefits under this Act.” [FYI.....federal laws, including the Service Members Civil Relief Act and the Uniformed Services Employment and Reemployment Rights Act of 1994, are already on the books and apply to all employers.]

Public Act 101-0031: enacted the Parking Excise Tax Act – owners of sold or leased parking spaces, parking areas, and garages will be required to collect and remit Parking Excise Tax based on the purchase price (rent) paid by the purchaser to park a motor vehicle, recreational vehicle, or other self-propelled vehicle in the parking space.

Public Act 101-0048: Creates the Illinois Trust Code. There is no time or space to describe all of the components of this 123-page bill, but in general it repeals two dozen Illinois laws regarding trusts and trustees and re-codifies Illinois trust law under this new Act. Please feel free to contact CBAI General Counsel Jerry Cavanaugh for information regarding any specific trust-related scenarios.

Public Act 101-0097: Amends the Mortgage Act to allow a mortgagor to appoint someone to seek a mortgage release from a fully paid-off mortgagee and changes the time frame in which the paid-off mortgagee must issue a release of mortgage suitable for recording from “one month” to “30 days” after the request for a mortgage release has been made.

Public Act 101-0168: Amends Illinois’ Code of Civil Procedure to specify that if garnishment related to a consumer debt judgment had already commenced before the time that the enforceability of the judgment would otherwise lapse (in general, seven years after judgment against the consumer debtor), garnishment may proceed under court supervision.

Public Act 101-293: Adds a new Section 18 to the Equitable Restrooms Act to require that if a business has restrooms open and accessible to the public at least one sanitary and convenient baby diaper changing station must be available in each ladies’ restroom and in each mens’ restroom.

Public Act 101-0366: Amends the Illinois Notary Public Act to require licensing of Notary Public application “remittance agents,” including \$20,000 surety bond.

Public Act 101-0379: Amends Illinois’ Property Tax Code and Mobile Home Services Tax Enforcement Act to provide that, if agreed to by the relevant counties, tax lien sales by a county may be combined with tax lien sales of an adjacent county (excepting Cook County).

Public Act 101-394: Amends the Illinois Criminal Code of 2012 to remove “consent” as a defense against financial exploitation of an elderly (60 years or older) or disabled person if the perp had “reason to know” that the victim lacked capacity to consent.

Public Act 101-0490: Amends the Vehicle Code to require that the Secretary of State, by July 1, 2021, implement an electronic system for vehicle lien perfection, assignment and release. All details, including any administrative fees to be paid by the lienholder, are left to Secretary of State rulemaking; lenders will be permitted to use the electronic system, but paper filings remain an option.

Public Act 101-539: Amends the mortgage foreclosure procedures of Illinois’ Code of Civil Procedure to provide that when a mortgagee’s affidavit states that the mortgagor cannot be located for service of process, the mortgagee, rather than the clerk of the circuit court, shall commence publication of service in a newspaper in circulation in a county where foreclosure is in process. Thereafter, it is the duty of the clerk of the circuit court to send a copy of the published notice to each defendant/mortgagor whose place of residence is stated in the mortgagee’s affidavit.

Legal Link is a free CBAI member benefit. For answers to your general, banking-related legal questions, contact CBAI General Counsel Jerry Cavanaugh at 800/736-2224 (IL only), 217/529-2265 or jerryc@cbai.com.