

ILLINOIS REGISTER

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED RULES

- 1) Heading of the Part: State Tax Lien Registry
- 2) Code Citation: 86 Ill. Adm. Code 720
- 3)

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| <u>Section Numbers:</u> | <u>Proposed Actions:</u> |
| 720.100 | New Section |
| 720.110 | New Section |
| 720.120 | New Section |
- 4) Statutory Authority: 35 ILCS 750/1-30(c); 35 ILCS 750/1-35
- 5) A Complete Description of the Subjects and Issues Involved: This rulemaking implements the provisions of Article 1 of Public Act 100-22.
- 6) Published studies or reports, and sources of underlying data, used to compose this rulemaking:
None
- 7) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 8) Does this rulemaking contain an automatic repeal date? No
- 9) Does this proposed rulemaking contain incorporations by reference? No
- 10) Are there any other proposed rulemakings pending on this Part? No
- 11) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.
- 12) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this Notice to:

Brian Fliflet
Acting General Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson St.
Springfield, Illinois 62794

(217) 782-2844

- 13) Initial Regulatory Flexibility Analysis:

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- A) Types of small businesses, small municipalities and not for profit corporations affected: None
 - B) Reporting, bookkeeping or other procedures required for compliance: None
 - C) Types of professional skills necessary for compliance: None
- 14) Small Business Impact Analysis: None
- 15) Regulatory Agenda on which this rulemaking was summarized: January 2020

The full text of the Proposed Rules begins on the next page:

Section 720.100 Definitions

As used in this Part:

"Department" means the Department of Revenue.

"Person" means any natural individual, firm, partnership, association, joint stock company, joint adventure, public or private corporation, limited liability company, or a receiver, executor, trustee, guardian or other representative appointed by order of court.

"Prohibited purpose" means the use of State Tax Lien Registry information for survey, marketing, or solicitation purposes. Survey, marketing, or solicitation purpose does not include any action by the Department or its authorized agent to collect a debt represented by a tax lien appearing in the registry.

"Registry" or "State Tax Lien Registry" means the public database maintained by the Department wherein tax liens are filed in favor of and enforced by the Department.

Section 720.110 Sale of information

- a) Information appearing in the State Tax Lien Registry is available for purchase by subscription. Any person may purchase registry information by filing a request with the Department. The request shall be made on a form prescribed by the Department and made available on its website. The form, completed and signed, shall be deemed filed when received by the Department's Lien Unit and accompanied by payment of the purchase fee.
- b) A confirmation of purchase will be issued upon approval of any request filed under this Section. The confirmation entitles the purchaser to receive from the Department an electronic file containing registry information for a period of one year from the date of the

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confirmation. Subscriptions may be renewed upon expiration of the one-year term by submitting a new request in the same manner as provided under this Section.

- c) Registry information sold by the Department will be made available and updated through a secure electronic means to the purchaser.
- d) A person may not use registry information for a prohibited purpose.

Section 720.120 Purchase fee

- a) A fee is imposed on the purchase of registry information. The fee shall be determined by the Department based upon its cost to produce and maintain the State Tax Lien Registry. The purchase fee shall be published on the Department's website. The fee must accompany the request for purchase as provided Section 720.110.
- b) The purchase fee is nonrefundable. Upon expiration of the one-year term, renewals must be accompanied by the purchase fee then in effect.