



Rep. Tom Demmer

Filed: 4/6/2018

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1 AMENDMENT TO HOUSE BILL 5210

2 AMENDMENT NO. _____. Amend House Bill 5210 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Auction License Act is amended by changing
5 Section 10-30 as follows:

6 (225 ILCS 407/10-30)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 10-30. Expiration, renewal, and continuing education.

9 (a) License expiration dates, renewal periods, renewal
10 fees, and procedures for renewal of licenses issued under this
11 Act shall be set by rule of the Department. An entity may renew
12 its license by paying the required fee and by meeting the
13 renewal requirements adopted by the Department under this
14 Section.

15 (b) All renewal applicants must provide proof as determined
16 by the Department of having met the continuing education

1 requirements by the deadline set forth by the Department by
2 rule. At a minimum, the rules shall require an applicant for
3 renewal licensure as an auctioneer to provide proof of the
4 completion of at least 12 hours of continuing education during
5 the pre-renewal period established by the Department for
6 completion of continuing education ~~preceding the expiration~~
7 ~~date of the license~~ from schools approved by the Department, as
8 established by rule.

9 (c) The Department, in its discretion, may waive
10 enforcement of the continuing education requirements of this
11 Section and shall adopt rules defining the standards and
12 criteria for such waiver.

13 (d) (Blank).

14 (Source: P.A. 95-572, eff. 6-1-08; 96-730, eff. 8-25-09.)

15 Section 10. The Home Inspector License Act is amended by
16 changing Section 5-30 as follows:

17 (225 ILCS 441/5-30)

18 (Section scheduled to be repealed on January 1, 2022)

19 Sec. 5-30. Continuing education renewal requirements. The
20 continuing education requirements for a person to renew a
21 license as a home inspector shall be established by rule. The
22 Department shall establish a continuing education completion
23 deadline for home inspector licensees and require evidence of
24 compliance with continuing education requirements in a manner

1 established by rule before the renewal of a license.

2 (Source: P.A. 92-239, eff. 8-3-01.)

3 Section 15. The Real Estate License Act of 2000 is amended
4 by changing Sections 1-10, 5-15, 5-20, 5-45, 10-15, 10-20,
5 20-20, and 30-5 as follows:

6 (225 ILCS 454/1-10)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 1-10. Definitions. In this Act, unless the context
9 otherwise requires:

10 "Act" means the Real Estate License Act of 2000.

11 "Address of record" means the designated address recorded
12 by the Department in the applicant's or licensee's application
13 file or license file as maintained by the Department's
14 licensure maintenance unit. It is the duty of the applicant or
15 licensee to inform the Department of any change of address, and
16 those changes must be made either through the Department's
17 website or by contacting the Department.

18 "Agency" means a relationship in which a broker or
19 licensee, whether directly or through an affiliated licensee,
20 represents a consumer by the consumer's consent, whether
21 express or implied, in a real property transaction.

22 "Applicant" means any person, as defined in this Section,
23 who applies to the Department for a valid license as a managing
24 broker, broker, or leasing agent.

1 "Blind advertisement" means any real estate advertisement
2 that does not include the sponsoring broker's business name and
3 that is used by any licensee regarding the sale or lease of
4 real estate, ~~including his or her own~~, licensed activities, or
5 the hiring of any licensee under this Act. The broker's
6 business name in the case of a franchise shall include the
7 franchise affiliation as well as the name of the individual
8 firm.

9 "Board" means the Real Estate Administration and
10 Disciplinary Board of the Department as created by Section
11 25-10 of this Act.

12 "Branch office" means a sponsoring broker's office other
13 than the sponsoring broker's principal office.

14 "Broker" means an individual, entity, corporation, foreign
15 or domestic partnership, limited liability company,
16 ~~corporation, or~~ registered limited liability partnership, or
17 other business entity other than a leasing agent who, whether
18 in person or through any media or technology, for another and
19 for compensation, or with the intention or expectation of
20 receiving compensation, either directly or indirectly:

21 (1) Sells, exchanges, purchases, rents, or leases real
22 estate.

23 (2) Offers to sell, exchange, purchase, rent, or lease
24 real estate.

25 (3) Negotiates, offers, attempts, or agrees to
26 negotiate the sale, exchange, purchase, rental, or leasing

1 of real estate.

2 (4) Lists, offers, attempts, or agrees to list real
3 estate for sale, rent, lease, or exchange.

4 (5) Buys, sells, offers to buy or sell, or otherwise
5 deals in options on real estate or improvements thereon.

6 (6) Supervises the collection, offer, attempt, or
7 agreement to collect rent for the use of real estate.

8 (7) Advertises or represents himself or herself as
9 being engaged in the business of buying, selling,
10 exchanging, renting, or leasing real estate.

11 (8) Assists or directs in procuring or referring of
12 leads or prospects, intended to result in the sale,
13 exchange, lease, or rental of real estate.

14 (9) Assists or directs in the negotiation of any
15 transaction intended to result in the sale, exchange,
16 lease, or rental of real estate.

17 (10) Opens real estate to the public for marketing
18 purposes.

19 (11) Sells, rents, leases, or offers for sale or lease
20 real estate at auction.

21 (12) Prepares or provides a broker price opinion or
22 comparative market analysis as those terms are defined in
23 this Act, pursuant to the provisions of Section 10-45 of
24 this Act.

25 "Brokerage agreement" means a written or oral agreement
26 between a sponsoring broker and a consumer for licensed

1 activities to be provided to a consumer in return for
2 compensation or the right to receive compensation from another.
3 Brokerage agreements may constitute either a bilateral or a
4 unilateral agreement between the broker and the broker's client
5 depending upon the content of the brokerage agreement. All
6 exclusive brokerage agreements shall be in writing.

7 "Broker price opinion" means an estimate or analysis of the
8 probable selling price of a particular interest in real estate,
9 which may provide a varying level of detail about the
10 property's condition, market, and neighborhood and information
11 on comparable sales. The activities of a real estate broker or
12 managing broker engaging in the ordinary course of business as
13 a broker, as defined in this Section, shall not be considered a
14 broker price opinion if no compensation is paid to the broker
15 or managing broker, other than compensation based upon the sale
16 or rental of real estate.

17 "Client" means a person who is being represented by a
18 licensee.

19 "Comparative market analysis" is an analysis or opinion
20 regarding pricing, marketing, or financial aspects relating to
21 a specified interest or interests in real estate that may be
22 based upon an analysis of comparative market data, the
23 expertise of the real estate broker or managing broker, and
24 such other factors as the broker or managing broker may deem
25 appropriate in developing or preparing such analysis or
26 opinion. The activities of a real estate broker or managing

1 broker engaging in the ordinary course of business as a broker,
2 as defined in this Section, shall not be considered a
3 comparative market analysis if no compensation is paid to the
4 broker or managing broker, other than compensation based upon
5 the sale or rental of real estate.

6 "Compensation" means the valuable consideration given by
7 one person or entity to another person or entity in exchange
8 for the performance of some activity or service. Compensation
9 shall include the transfer of valuable consideration,
10 including without limitation the following:

- 11 (1) commissions;
- 12 (2) referral fees;
- 13 (3) bonuses;
- 14 (4) prizes;
- 15 (5) merchandise;
- 16 (6) finder fees;
- 17 (7) performance of services;
- 18 (8) coupons or gift certificates;
- 19 (9) discounts;
- 20 (10) rebates;
- 21 (11) a chance to win a raffle, drawing, lottery, or
22 similar game of chance not prohibited by any other law or
23 statute;
- 24 (12) retainer fee; or
- 25 (13) salary.

26 "Confidential information" means information obtained by a

1 licensee from a client during the term of a brokerage agreement
2 that (i) was made confidential by the written request or
3 written instruction of the client, (ii) deals with the
4 negotiating position of the client, or (iii) is information the
5 disclosure of which could materially harm the negotiating
6 position of the client, unless at any time:

7 (1) the client permits the disclosure of information
8 given by that client by word or conduct;

9 (2) the disclosure is required by law; or

10 (3) the information becomes public from a source other
11 than the licensee.

12 "Confidential information" shall not be considered to
13 include material information about the physical condition of
14 the property.

15 "Consumer" means a person or entity seeking or receiving
16 licensed activities.

17 "Coordinator" means the Coordinator of Real Estate created
18 in Section 25-15 of this Act.

19 "Credit hour" means 50 minutes of classroom instruction in
20 course work that meets the requirements set forth in rules
21 adopted by the Department.

22 "Customer" means a consumer who is not being represented by
23 the licensee but for whom the licensee is performing
24 ministerial acts.

25 "Department" means the Department of Financial and
26 Professional Regulation.

1 "Designated agency" means a contractual relationship
2 between a sponsoring broker and a client under Section 15-50 of
3 this Act in which one or more licensees associated with or
4 employed by the broker are designated as agent of the client.

5 "Designated agent" means a sponsored licensee named by a
6 sponsoring broker as the legal agent of a client, as provided
7 for in Section 15-50 of this Act.

8 "Dual agency" means an agency relationship in which a
9 licensee is representing both buyer and seller or both landlord
10 and tenant in the same transaction. When the agency
11 relationship is a designated agency, the question of whether
12 there is a dual agency shall be determined by the agency
13 relationships of the designated agent of the parties and not of
14 the sponsoring broker.

15 "Education provider" means a school licensed by the
16 Department offering courses in pre-license, post-license, or
17 continuing education required by this Act.

18 "Employee" or other derivative of the word "employee", when
19 used to refer to, describe, or delineate the relationship
20 between a sponsoring broker and a managing broker, broker, or a
21 leasing agent, shall be construed to include an independent
22 contractor relationship, provided that a written agreement
23 exists that clearly establishes and states the relationship.
24 All responsibilities of a broker shall remain.

25 "Escrow moneys" means all moneys, promissory notes or any
26 other type or manner of legal tender or financial consideration

1 deposited with any person for the benefit of the parties to the
2 transaction. A transaction exists once an agreement has been
3 reached and an accepted real estate contract signed or lease
4 agreed to by the parties. Escrow moneys includes without
5 limitation earnest moneys and security deposits, except those
6 security deposits in which the person holding the security
7 deposit is also the sole owner of the property being leased and
8 for which the security deposit is being held.

9 "Electronic means of proctoring" means a methodology
10 providing assurance that the person taking a test and
11 completing the answers to questions is the person seeking
12 licensure or credit for continuing education and is doing so
13 without the aid of a third party or other device.

14 "Exclusive brokerage agreement" means a written brokerage
15 agreement that provides that the sponsoring broker has the sole
16 right, through one or more sponsored licensees, to act as the
17 exclusive designated agent or representative of the client and
18 that meets the requirements of Section 15-75 of this Act.

19 "Inoperative" means a status of licensure where the
20 licensee holds a current license under this Act, but the
21 licensee is prohibited from engaging in licensed activities
22 because the licensee is unsponsored or the license of the
23 sponsoring broker with whom the licensee is associated or by
24 whom he or she is employed is currently expired, revoked,
25 suspended, or otherwise rendered invalid under this Act.

26 "Interactive delivery method" means delivery of a course by

1 an instructor through a medium allowing for 2-way communication
2 between the instructor and a student in which either can
3 initiate or respond to questions.

4 "Leads" means the name or names of a potential buyer,
5 seller, lessor, lessee, or client of a licensee.

6 "Leasing Agent" means a person who is employed by a broker
7 to engage in licensed activities limited to leasing residential
8 real estate who has obtained a license as provided for in
9 Section 5-5 of this Act.

10 "License" means the document issued by the Department
11 certifying that the person named thereon has fulfilled all
12 requirements prerequisite to licensure under this Act.

13 "Licensed activities" means those activities listed in the
14 definition of "broker" under this Section.

15 "Licensee" means any person, as defined in this Section,
16 who holds a valid unexpired license as a managing broker,
17 broker, or leasing agent.

18 "Listing presentation" means a communication between a
19 managing broker or broker and a consumer in which the licensee
20 is attempting to secure a brokerage agreement with the consumer
21 to market the consumer's real estate for sale or lease.

22 "Managing broker" means a broker who has supervisory
23 responsibilities for licensees in one or, in the case of a
24 multi-office company, more than one office and who has been
25 appointed as such by the sponsoring broker.

26 "Medium of advertising" means any method of communication

1 intended to influence the general public to use or purchase a
2 particular good or service or real estate.

3 "Ministerial acts" means those acts that a licensee may
4 perform for a consumer that are informative or clerical in
5 nature and do not rise to the level of active representation on
6 behalf of a consumer. Examples of these acts include without
7 limitation (i) responding to phone inquiries by consumers as to
8 the availability and pricing of brokerage services, (ii)
9 responding to phone inquiries from a consumer concerning the
10 price or location of property, (iii) attending an open house
11 and responding to questions about the property from a consumer,
12 (iv) setting an appointment to view property, (v) responding to
13 questions of consumers walking into a licensee's office
14 concerning brokerage services offered or particular
15 properties, (vi) accompanying an appraiser, inspector,
16 contractor, or similar third party on a visit to a property,
17 (vii) describing a property or the property's condition in
18 response to a consumer's inquiry, (viii) completing business or
19 factual information for a consumer on an offer or contract to
20 purchase on behalf of a client, (ix) showing a client through a
21 property being sold by an owner on his or her own behalf, or
22 (x) referral to another broker or service provider.

23 "Office" means a broker's place of business where the
24 general public is invited to transact business and where
25 records may be maintained and licenses displayed, whether or
26 not it is the broker's principal place of business.

1 "Person" means and includes individuals, entities,
2 corporations, limited liability companies, registered limited
3 liability partnerships, foreign and domestic ~~and~~ partnerships,
4 and other business entities ~~foreign or domestic~~, except that
5 when the context otherwise requires, the term may refer to a
6 single individual or other described entity.

7 "Personal assistant" means a licensed or unlicensed person
8 who has been hired for the purpose of aiding or assisting a
9 sponsored licensee in the performance of the sponsored
10 licensee's job.

11 "Pocket card" means the card issued by the Department to
12 signify that the person named on the card is currently licensed
13 under this Act.

14 "Pre-renewal period" means the period between the date of
15 issue of a currently valid license and the license's expiration
16 date.

17 "Proctor" means any person, including, but not limited to,
18 an instructor, who has a written agreement to administer
19 examinations fairly and impartially with a licensed education
20 provider.

21 "Real estate" means and includes leaseholds as well as any
22 other interest or estate in land, whether corporeal,
23 incorporeal, freehold, or non-freehold and whether the real
24 estate is situated in this State or elsewhere. "Real estate"
25 does not include property sold, exchanged, or leased as a
26 timeshare or similar vacation item or interest, vacation club

1 membership, or other activity formerly regulated under the Real
2 Estate Timeshare Act of 1999 (repealed).

3 "Regular employee" means a person working an average of 20
4 hours per week for a person or entity who would be considered
5 as an employee under the Internal Revenue Service eleven main
6 tests in three categories being behavioral control, financial
7 control and the type of relationship of the parties, formerly
8 the twenty factor test.

9 "Secretary" means the Secretary of the Department of
10 Financial and Professional Regulation, or a person authorized
11 by the Secretary to act in the Secretary's stead.

12 "Sponsoring broker" means the broker who has issued a
13 sponsor card to a licensed managing broker, broker, or a
14 leasing agent.

15 "Sponsor card" means the temporary permit issued by the
16 sponsoring broker certifying that the managing broker, broker,
17 or leasing agent named thereon is employed by or associated by
18 written agreement with the sponsoring broker, as provided for
19 in Section 5-40 of this Act.

20 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18;
21 100-534, eff. 9-22-17; revised 10-2-17.)

22 (225 ILCS 454/5-15)

23 (Section scheduled to be repealed on January 1, 2020)

24 Sec. 5-15. Necessity of managing broker, broker, or leasing
25 agent license or sponsor card; ownership restrictions.

1 (a) It is unlawful for any person, ~~corporation, limited~~
2 ~~liability company, registered limited liability partnership,~~
3 ~~or partnership~~ to act as a managing broker, broker, or leasing
4 agent or to advertise or assume to act as such managing broker,
5 broker or leasing agent without a properly issued sponsor card
6 or a license issued under this Act by the Department, either
7 directly or through its authorized designee.

8 (b) No corporation shall be granted a license or engage in
9 the business or capacity, either directly or indirectly, of a
10 broker, unless every officer of the corporation who actively
11 participates in the real estate activities of the corporation
12 holds a license as a managing broker or broker and unless every
13 employee who acts as a managing broker, broker, or leasing
14 agent for the corporation holds a license as a managing broker,
15 broker, or leasing agent. All nonparticipating owners or
16 officers shall submit affidavits of nonparticipation as
17 required by the Department.

18 (c) No partnership shall be granted a license or engage in
19 the business or serve in the capacity, either directly or
20 indirectly, of a broker, unless every ~~general~~ partner in the
21 partnership who actively participates in the real estate
22 activities of the partnership holds a license as a managing
23 broker or broker and unless every employee who acts as a
24 managing broker, broker, or leasing agent for the partnership
25 holds a license as a managing broker, broker, or leasing agent.
26 All nonparticipating partners shall submit affidavits of

1 nonparticipation as required by the Department. In the case of
2 a registered limited liability partnership (LLP), every
3 partner in the LLP that actively participates in the real
4 estate activities of the limited liability partnership must
5 hold a license as a managing broker or broker and every
6 employee who acts as a managing broker, broker, or leasing
7 agent must hold a license as a managing broker, broker, or
8 leasing agent. All nonparticipating limited liability partners
9 shall submit affidavits of nonparticipation as required by the
10 Department.

11 (d) No limited liability company shall be granted a license
12 or engage in the business or serve in the capacity, either
13 directly or indirectly, of a broker unless every member or
14 manager in the limited liability company that actively
15 participates in the real estate activities of the limited
16 liability company ~~or every member in a member managed limited~~
17 ~~liability company~~ holds a license as a managing broker or
18 broker and unless every other member and employee who acts as a
19 managing broker, broker, or leasing agent for the limited
20 liability company holds a license as a managing broker, broker,
21 or leasing agent. All nonparticipating members or managers
22 shall submit affidavits of nonparticipation as required by the
23 Department.

24 (e) (Blank). ~~No partnership, limited liability company, or~~
25 ~~corporation shall be licensed to conduct a brokerage business~~
26 ~~where an individual leasing agent, or group of leasing agents,~~

1 ~~owns or directly or indirectly controls more than 49% of the~~
2 ~~shares of stock or other ownership in the partnership, limited~~
3 ~~liability company, or corporation.~~

4 (f) No person shall be granted a license if any
5 participating owner, officer, director, partner, limited
6 liability partner, member, or manager has been denied a real
7 estate license by the Department in the previous 5 years or is
8 otherwise currently barred from real estate practice because of
9 a suspension or revocation.

10 (Source: P.A. 99-227, eff. 8-3-15.)

11 (225 ILCS 454/5-20)

12 (Section scheduled to be repealed on January 1, 2020)

13 Sec. 5-20. Exemptions from managing broker, broker, or
14 leasing agent license requirement. The requirement for holding
15 a license under this Article 5 shall not apply to:

16 (1) Any person, ~~partnership, or corporation~~ that as
17 owner or lessor performs any of the acts described in the
18 definition of "broker" under Section 1-10 of this Act with
19 reference to property owned or leased by it, or to the
20 regular employees thereof with respect to the property so
21 owned or leased, where such acts are performed in the
22 regular course of or as an incident to the management,
23 sale, or other disposition of such property and the
24 investment therein, provided that such regular employees
25 do not perform any of the acts described in the definition

1 of "broker" under Section 1-10 of this Act in connection
2 with a vocation of selling or leasing any real estate or
3 the improvements thereon not so owned or leased.

4 (2) An attorney in fact acting under a duly executed
5 and recorded power of attorney to convey real estate from
6 the owner or lessor or the services rendered by an attorney
7 at law in the performance of the attorney's duty as an
8 attorney at law.

9 (3) Any person acting as receiver, trustee in
10 bankruptcy, administrator, executor, or guardian or while
11 acting under a court order or under the authority of a will
12 or testamentary trust.

13 (4) Any person acting as a resident manager for the
14 owner or any employee acting as the resident manager for a
15 broker managing an apartment building, duplex, or
16 apartment complex, when the resident manager resides on the
17 premises, the premises is his or her primary residence, and
18 the resident manager is engaged in the leasing of the
19 property of which he or she is the resident manager.

20 (5) Any officer or employee of a federal agency in the
21 conduct of official duties.

22 (6) Any officer or employee of the State government or
23 any political subdivision thereof performing official
24 duties.

25 (7) Any multiple listing service or other similar
26 information exchange that is engaged in the collection and

1 dissemination of information concerning real estate
2 available for sale, purchase, lease, or exchange for the
3 purpose of providing licensees with a system by which
4 licensees may cooperatively share information along with
5 which no other licensed activities, as defined in Section
6 1-10 of this Act, are provided.

7 (8) Railroads and other public utilities regulated by
8 the State of Illinois, or the officers or full time
9 employees thereof, unless the performance of any licensed
10 activities is in connection with the sale, purchase, lease,
11 or other disposition of real estate or investment therein
12 not needing the approval of the appropriate State
13 regulatory authority.

14 (9) Any medium of advertising in the routine course of
15 selling or publishing advertising along with which no other
16 licensed activities, as defined in Section 1-10 of this
17 Act, are provided.

18 (10) Any resident lessee of a residential dwelling unit
19 who refers for compensation to the owner of the dwelling
20 unit, or to the owner's agent, prospective lessees of
21 dwelling units in the same building or complex as the
22 resident lessee's unit, but only if the resident lessee (i)
23 refers no more than 3 prospective lessees in any 12-month
24 period, (ii) receives compensation of no more than \$1,500
25 or the equivalent of one month's rent, whichever is less,
26 in any 12-month period, and (iii) limits his or her

1 activities to referring prospective lessees to the owner,
2 or the owner's agent, and does not show a residential
3 dwelling unit to a prospective lessee, discuss terms or
4 conditions of leasing a dwelling unit with a prospective
5 lessee, or otherwise participate in the negotiation of the
6 leasing of a dwelling unit.

7 (11) The purchase, sale, or transfer of a timeshare or
8 similar vacation item or interest, vacation club
9 membership, or other activity formerly regulated under the
10 Real Estate Timeshare Act of 1999 (repealed).

11 (12) (Blank).

12 (13) Any person who is licensed without examination
13 under Section 10-25 (now repealed) of the Auction License
14 Act is exempt from holding a managing broker's or broker's
15 license under this Act for the limited purpose of selling
16 or leasing real estate at auction, so long as:

17 (A) that person has made application for said
18 exemption by July 1, 2000;

19 (B) that person verifies to the Department that he
20 or she has sold real estate at auction for a period of
21 5 years prior to licensure as an auctioneer;

22 (C) the person has had no lapse in his or her
23 license as an auctioneer; and

24 (D) the license issued under the Auction License
25 Act has not been disciplined for violation of those
26 provisions of Article 20 of the Auction License Act

1 dealing with or related to the sale or lease of real
2 estate at auction.

3 (14) A person who holds a valid license under the
4 Auction License Act and a valid real estate auction
5 certification and conducts auctions for the sale of real
6 estate under Section 5-32 of this Act.

7 (15) A hotel operator who is registered with the
8 Illinois Department of Revenue and pays taxes under the
9 Hotel Operators' Occupation Tax Act and rents a room or
10 rooms in a hotel as defined in the Hotel Operators'
11 Occupation Tax Act for a period of not more than 30
12 consecutive days and not more than 60 days in a calendar
13 year.

14 (Source: P.A. 99-227, eff. 8-3-15; 100-534, eff. 9-22-17.)

15 (225 ILCS 454/5-45)

16 (Section scheduled to be repealed on January 1, 2020)

17 Sec. 5-45. Offices.

18 (a) If a sponsoring broker maintains more than one office
19 within the State, the sponsoring broker shall notify the
20 Department on forms prescribed by the Department ~~apply for a~~
21 ~~branch office license~~ for each office other than the sponsoring
22 broker's principal place of business. The brokerage branch
23 ~~office~~ license shall be displayed conspicuously in each branch
24 office. The name of each branch office shall be the same as
25 that of the sponsoring broker's principal office or shall

1 clearly delineate the branch office's relationship with the
2 principal office.

3 (b) The sponsoring broker shall name a managing broker for
4 each branch office and the sponsoring broker shall be
5 responsible for supervising all managing brokers. The
6 sponsoring broker shall notify the Department in writing of the
7 name of all managing brokers of the sponsoring broker and the
8 office or offices they manage. Any person initially named as a
9 managing broker after April 30, 2011 must either (i) be
10 licensed as a managing broker or (ii) meet all the requirements
11 to be licensed as a managing broker except the required
12 education and examination and secure the managing broker's
13 license within 90 days of being named as a managing broker. Any
14 changes in managing brokers shall be reported to the Department
15 in writing within 15 days of the change. Failure to do so shall
16 subject the sponsoring broker to discipline under Section 20-20
17 of this Act.

18 (c) The sponsoring broker shall immediately notify the
19 Department in writing of any opening, closing, or change in
20 location of any principal or branch office.

21 (d) Except as provided in this Section, each sponsoring
22 broker shall maintain a definite office, or place of business
23 within this State for the transaction of real estate business,
24 shall conspicuously display an identification sign on the
25 outside of his or her office of adequate size and visibility.
26 The office or place of business shall not be located in any

1 retail or financial business establishment unless it is
2 separated from the other business by a separate and distinct
3 area within the establishment. A broker who is licensed in this
4 State by examination or pursuant to the provisions of Section
5 5-60 of this Act shall not be required to maintain a definite
6 office or place of business in this State provided all of the
7 following conditions are met:

8 (1) the broker maintains an active broker's license in
9 the broker's state of domicile;

10 (2) the broker maintains an office in the broker's
11 state of domicile; and

12 (3) the broker has filed with the Department written
13 statements appointing the Secretary to act as the broker's
14 agent upon whom all judicial and other process or legal
15 notices directed to the licensee may be served and agreeing
16 to abide by all of the provisions of this Act with respect
17 to his or her real estate activities within the State of
18 Illinois and submitting to the jurisdiction of the
19 Department.

20 The statements under subdivision (3) of this Section shall
21 be in form and substance the same as those statements required
22 under Section 5-60 of this Act and shall operate to the same
23 extent.

24 (e) Upon the loss of a managing broker who is not replaced
25 by the sponsoring broker or in the event of the death or
26 adjudicated disability of the sole proprietor of an office, a

1 written request for authorization allowing the continued
2 operation of the office may be submitted to the Department
3 within 15 days of the loss. The Department may issue a written
4 authorization allowing the continued operation, provided that
5 a licensed broker, or in the case of the death or adjudicated
6 disability of a sole proprietor, the representative of the
7 estate, assumes responsibility, in writing, for the operation
8 of the office and agrees to personally supervise the operation
9 of the office. No such written authorization shall be valid for
10 more than 60 days unless extended by the Department for good
11 cause shown and upon written request by the broker or
12 representative.

13 (Source: P.A. 96-856, eff. 12-31-09.)

14 (225 ILCS 454/10-15)

15 (Section scheduled to be repealed on January 1, 2020)

16 Sec. 10-15. No compensation to persons in violation of Act;
17 compensation to unlicensed persons; consumer.

18 (a) No compensation may be paid to any unlicensed person in
19 exchange for the person performing licensed activities in
20 violation of this Act.

21 (b) No action or suit shall be instituted, nor recovery
22 therein be had, in any court of this State by any person,
23 ~~partnership, registered limited liability partnership, limited~~
24 ~~liability company, or corporation~~ for compensation for any act
25 done or service performed, the doing or performing of which is

1 prohibited by this Act to other than licensed managing brokers,
2 brokers, or leasing agents unless the person, ~~partnership,~~
3 ~~registered limited liability partnership, limited liability~~
4 ~~company, or corporation~~ was duly licensed hereunder as a
5 managing broker, broker, or leasing agent under this Act at the
6 time that any such act was done or service performed that would
7 give rise to a cause of action for compensation.

8 (c) A licensee may offer compensation, including prizes,
9 merchandise, services, rebates, discounts, or other
10 consideration to an unlicensed person who is a party to a
11 contract to buy or sell real estate or is a party to a contract
12 for the lease of real estate, so long as the offer complies
13 with the provisions of subdivision (35) of subsection (a) of
14 Section 20-20 of this Act.

15 (d) A licensee may offer cash, gifts, prizes, awards,
16 coupons, merchandise, rebates or chances to win a game of
17 chance, if not prohibited by any other law or statute, to a
18 consumer as an inducement to that consumer to use the services
19 of the licensee even if the licensee and consumer do not
20 ultimately enter into a broker-client relationship so long as
21 the offer complies with the provisions of subdivision (35) of
22 subsection (a) of Section 20-20 of this Act.

23 (Source: P.A. 99-227, eff. 8-3-15.)

24 (225 ILCS 454/10-20)

25 (Section scheduled to be repealed on January 1, 2020)

1 Sec. 10-20. Sponsoring broker; employment agreement.

2 (a) A licensee may perform activities as a licensee only
3 for his or her sponsoring broker. A licensee must have only one
4 sponsoring broker at any one time.

5 (b) Every broker who employs licensees or has an
6 independent contractor relationship with a licensee shall have
7 a written employment agreement with each such licensee. The
8 broker having this written employment agreement with the
9 licensee must be that licensee's sponsoring broker.

10 (c) Every sponsoring broker must have a written employment
11 agreement with each licensee the broker sponsors. The agreement
12 shall address the employment or independent contractor
13 relationship terms, including without limitation supervision,
14 duties, compensation, and termination.

15 (d) Every sponsoring broker must have a written employment
16 agreement with each licensed personal assistant who assists a
17 licensee sponsored by the sponsoring broker. This requirement
18 applies to all licensed personal assistants whether or not they
19 perform licensed activities in their capacity as a personal
20 assistant. The agreement shall address the employment or
21 independent contractor relationship terms, including without
22 limitation supervision, duties, compensation, and termination.

23 (e) Notwithstanding the fact that a sponsoring broker has
24 an employment agreement with a licensee, a sponsoring broker
25 may pay compensation directly to a business entity ~~corporation~~
26 solely owned by that licensee that has been formed for the

1 purpose of receiving compensation earned by the licensee. A
2 business entity ~~corporation~~ formed for the purpose ~~herein~~
3 stated in this subsection (e) shall not be required to be
4 licensed under this Act so long as the person that ~~who~~ is the
5 sole owner ~~shareholder~~ of the business entity ~~corporation~~ is
6 licensed.

7 (Source: P.A. 91-245, eff. 12-31-99.)

8 (225 ILCS 454/20-20)

9 (Section scheduled to be repealed on January 1, 2020)

10 Sec. 20-20. Grounds for discipline.

11 (a) The Department may refuse to issue or renew a license,
12 may place on probation, suspend, or revoke any license,
13 reprimand, or take any other disciplinary or non-disciplinary
14 action as the Department may deem proper and impose a fine not
15 to exceed \$25,000 upon any licensee or applicant under this Act
16 or any person who holds himself or herself out as an applicant
17 or licensee or against a licensee in handling his or her own
18 property, whether held by deed, option, or otherwise, for any
19 one or any combination of the following causes:

20 (1) Fraud or misrepresentation in applying for, or
21 procuring, a license under this Act or in connection with
22 applying for renewal of a license under this Act.

23 (2) The conviction of or plea of guilty or plea of nolo
24 contendere to a felony or misdemeanor in this State or any
25 other jurisdiction; or the entry of an administrative

1 sanction by a government agency in this State or any other
2 jurisdiction. Action taken under this paragraph (2) for a
3 misdemeanor or an administrative sanction is limited to a
4 misdemeanor or administrative sanction that has as an
5 essential element dishonesty or fraud or involves larceny,
6 embezzlement, or obtaining money, property, or credit by
7 false pretenses or by means of a confidence game.

8 (3) Inability to practice the profession with
9 reasonable judgment, skill, or safety as a result of a
10 physical illness, including, but not limited to,
11 deterioration through the aging process or loss of motor
12 skill, or a mental illness or disability.

13 (4) Practice under this Act as a licensee in a retail
14 sales establishment from an office, desk, or space that is
15 not separated from the main retail business by a separate
16 and distinct area within the establishment.

17 (5) Having been disciplined by another state, the
18 District of Columbia, a territory, a foreign nation, or a
19 governmental agency authorized to impose discipline if at
20 least one of the grounds for that discipline is the same as
21 or the equivalent of one of the grounds for which a
22 licensee may be disciplined under this Act. A certified
23 copy of the record of the action by the other state or
24 jurisdiction shall be prima facie evidence thereof.

25 (6) Engaging in the practice of real estate brokerage
26 without a license or after the licensee's license or

1 temporary permit was expired or while the license was
2 inoperative.

3 (7) Cheating on or attempting to subvert the Real
4 Estate License Exam or continuing education exam.

5 (8) Aiding or abetting an applicant to subvert or cheat
6 on the Real Estate License Exam or continuing education
7 exam administered pursuant to this Act.

8 (9) Advertising that is inaccurate, misleading, or
9 contrary to the provisions of the Act.

10 (10) Making any substantial misrepresentation or
11 untruthful advertising.

12 (11) Making any false promises of a character likely to
13 influence, persuade, or induce.

14 (12) Pursuing a continued and flagrant course of
15 misrepresentation or the making of false promises through
16 licensees, employees, agents, advertising, or otherwise.

17 (13) Any misleading or untruthful advertising, or
18 using any trade name or insignia of membership in any real
19 estate organization of which the licensee is not a member.

20 (14) Acting for more than one party in a transaction
21 without providing written notice to all parties for whom
22 the licensee acts.

23 (15) Representing or attempting to represent a broker
24 other than the sponsoring broker.

25 (16) Failure to account for or to remit any moneys or
26 documents coming into his or her possession that belong to

1 others.

2 (17) Failure to maintain and deposit in a special
3 account, separate and apart from personal and other
4 business accounts, all escrow moneys belonging to others
5 entrusted to a licensee while acting as a broker, escrow
6 agent, or temporary custodian of the funds of others or
7 failure to maintain all escrow moneys on deposit in the
8 account until the transactions are consummated or
9 terminated, except to the extent that the moneys, or any
10 part thereof, shall be:

11 (A) disbursed prior to the consummation or
12 termination (i) in accordance with the written
13 direction of the principals to the transaction or their
14 duly authorized agents, (ii) in accordance with
15 directions providing for the release, payment, or
16 distribution of escrow moneys contained in any written
17 contract signed by the principals to the transaction or
18 their duly authorized agents, or (iii) pursuant to an
19 order of a court of competent jurisdiction; or

20 (B) deemed abandoned and transferred to the Office
21 of the State Treasurer to be handled as unclaimed
22 property pursuant to the Revised Uniform Unclaimed
23 Property Act. Escrow moneys may be deemed abandoned
24 under this subparagraph (B) only: (i) in the absence of
25 disbursement under subparagraph (A); (ii) in the
26 absence of notice of the filing of any claim in a court

1 of competent jurisdiction; and (iii) if 6 months have
2 elapsed after the receipt of a written demand for the
3 escrow moneys from one of the principals to the
4 transaction or the principal's duly authorized agent.

5 The account shall be noninterest bearing, unless the
6 character of the deposit is such that payment of interest
7 thereon is otherwise required by law or unless the
8 principals to the transaction specifically require, in
9 writing, that the deposit be placed in an interest bearing
10 account.

11 (18) Failure to make available to the Department all
12 escrow records and related documents maintained in
13 connection with the practice of real estate within 24 hours
14 of a request for those documents by Department personnel.

15 (19) Failing to furnish copies upon request of
16 documents relating to a real estate transaction to a party
17 who has executed that document.

18 (20) Failure of a sponsoring broker to timely provide
19 information, sponsor cards, or termination of licenses to
20 the Department.

21 (21) Engaging in dishonorable, unethical, or
22 unprofessional conduct of a character likely to deceive,
23 defraud, or harm the public.

24 (22) Commingling the money or property of others with
25 his or her own money or property.

26 (23) Employing any person on a purely temporary or

1 single deal basis as a means of evading the law regarding
2 payment of commission to nonlicensees on some contemplated
3 transactions.

4 (24) Permitting the use of his or her license as a
5 broker to enable a leasing agent or unlicensed person to
6 operate a real estate business without actual
7 participation therein and control thereof by the broker.

8 (25) Any other conduct, whether of the same or a
9 different character from that specified in this Section,
10 that constitutes dishonest dealing.

11 (26) Displaying a "for rent" or "for sale" sign on any
12 property without the written consent of an owner or his or
13 her duly authorized agent or advertising by any means that
14 any property is for sale or for rent without the written
15 consent of the owner or his or her authorized agent.

16 (27) Failing to provide information requested by the
17 Department, or otherwise respond to that request, within 30
18 days of the request.

19 (28) Advertising by means of a blind advertisement,
20 except as otherwise permitted in Section 10-30 of this Act.

21 (29) Offering guaranteed sales plans, as defined in
22 clause (A) of this subdivision (29), except to the extent
23 hereinafter set forth:

24 (A) A "guaranteed sales plan" is any real estate
25 purchase or sales plan whereby a licensee enters into a
26 conditional or unconditional written contract with a

1 seller, prior to entering into a brokerage agreement
2 with the seller, by the terms of which a licensee
3 agrees to purchase a property of the seller within a
4 specified period of time at a specific price in the
5 event the property is not sold in accordance with the
6 terms of a brokerage agreement to be entered into
7 between the sponsoring broker and the seller.

8 (B) A licensee offering a guaranteed sales plan
9 shall provide the details and conditions of the plan in
10 writing to the party to whom the plan is offered.

11 (C) A licensee offering a guaranteed sales plan
12 shall provide to the party to whom the plan is offered
13 evidence of sufficient financial resources to satisfy
14 the commitment to purchase undertaken by the broker in
15 the plan.

16 (D) Any licensee offering a guaranteed sales plan
17 shall undertake to market the property of the seller
18 subject to the plan in the same manner in which the
19 broker would market any other property, unless the
20 agreement with the seller provides otherwise.

21 (E) The licensee cannot purchase seller's property
22 until the brokerage agreement has ended according to
23 its terms or is otherwise terminated.

24 (F) Any licensee who fails to perform on a
25 guaranteed sales plan in strict accordance with its
26 terms shall be subject to all the penalties provided in

1 this Act for violations thereof and, in addition, shall
2 be subject to a civil fine payable to the party injured
3 by the default in an amount of up to \$25,000.

4 (30) Influencing or attempting to influence, by any
5 words or acts, a prospective seller, purchaser, occupant,
6 landlord, or tenant of real estate, in connection with
7 viewing, buying, or leasing real estate, so as to promote
8 or tend to promote the continuance or maintenance of
9 racially and religiously segregated housing or so as to
10 retard, obstruct, or discourage racially integrated
11 housing on or in any street, block, neighborhood, or
12 community.

13 (31) Engaging in any act that constitutes a violation
14 of any provision of Article 3 of the Illinois Human Rights
15 Act, whether or not a complaint has been filed with or
16 adjudicated by the Human Rights Commission.

17 (32) Inducing any party to a contract of sale or lease
18 or brokerage agreement to break the contract of sale or
19 lease or brokerage agreement for the purpose of
20 substituting, in lieu thereof, a new contract for sale or
21 lease or brokerage agreement with a third party.

22 (33) Negotiating a sale, exchange, or lease of real
23 estate directly with any person if the licensee knows that
24 the person has an exclusive brokerage agreement with
25 another broker, unless specifically authorized by that
26 broker.

1 (34) When a licensee is also an attorney, acting as the
2 attorney for either the buyer or the seller in the same
3 transaction in which the licensee is acting or has acted as
4 a managing broker or broker.

5 (35) Advertising or offering merchandise or services
6 as free if any conditions or obligations necessary for
7 receiving the merchandise or services are not disclosed in
8 the same advertisement or offer. These conditions or
9 obligations include without limitation the requirement
10 that the recipient attend a promotional activity or visit a
11 real estate site. As used in this subdivision (35), "free"
12 includes terms such as "award", "prize", "no charge", "free
13 of charge", "without charge", and similar words or phrases
14 that reasonably lead a person to believe that he or she may
15 receive or has been selected to receive something of value,
16 without any conditions or obligations on the part of the
17 recipient.

18 (36) (Blank).

19 (37) Violating the terms of a disciplinary order issued
20 by the Department.

21 (38) Paying or failing to disclose compensation in
22 violation of Article 10 of this Act.

23 (39) Requiring a party to a transaction who is not a
24 client of the licensee to allow the licensee to retain a
25 portion of the escrow moneys for payment of the licensee's
26 commission or expenses as a condition for release of the

1 escrow moneys to that party.

2 (40) Disregarding or violating any provision of this
3 Act or the published rules adopted ~~promulgated~~ by the
4 Department to enforce this Act or aiding or abetting any
5 individual, foreign or domestic partnership, registered
6 limited liability partnership, limited liability company,
7 ~~or~~ corporation, or other business entity in disregarding
8 any provision of this Act or the published rules adopted
9 ~~promulgated~~ by the Department to enforce this Act.

10 (41) Failing to provide the minimum services required
11 by Section 15-75 of this Act when acting under an exclusive
12 brokerage agreement.

13 (42) Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or drug
15 that results in a managing broker, broker, or leasing
16 agent's inability to practice with reasonable skill or
17 safety.

18 (43) Enabling, aiding, or abetting an auctioneer, as
19 defined in the Auction License Act, to conduct a real
20 estate auction in a manner that is in violation of this
21 Act.

22 (44) Permitting any leasing agent or temporary leasing
23 agent permit holder to engage in activities that require a
24 broker's or managing broker's license.

25 (b) The Department may refuse to issue or renew or may
26 suspend the license of any person who fails to file a return,

1 pay the tax, penalty or interest shown in a filed return, or
2 pay any final assessment of tax, penalty, or interest, as
3 required by any tax Act administered by the Department of
4 Revenue, until such time as the requirements of that tax Act
5 are satisfied in accordance with subsection (g) of Section
6 2105-15 of the Civil Administrative Code of Illinois.

7 (c) The Department shall deny a license or renewal
8 authorized by this Act to a person who has defaulted on an
9 educational loan or scholarship provided or guaranteed by the
10 Illinois Student Assistance Commission or any governmental
11 agency of this State in accordance with item (5) of subsection
12 (a) of Section 2105-15 of the Civil Administrative Code of
13 Illinois.

14 (d) In cases where the Department of Healthcare and Family
15 Services (formerly Department of Public Aid) has previously
16 determined that a licensee or a potential licensee is more than
17 30 days delinquent in the payment of child support and has
18 subsequently certified the delinquency to the Department may
19 refuse to issue or renew or may revoke or suspend that person's
20 license or may take other disciplinary action against that
21 person based solely upon the certification of delinquency made
22 by the Department of Healthcare and Family Services in
23 accordance with item (5) of subsection (a) of Section 2105-15
24 of the Civil Administrative Code of Illinois.

25 (e) In enforcing this Section, the Department or Board upon
26 a showing of a possible violation may compel an individual

1 licensed to practice under this Act, or who has applied for
2 licensure under this Act, to submit to a mental or physical
3 examination, or both, as required by and at the expense of the
4 Department. The Department or Board may order the examining
5 physician to present testimony concerning the mental or
6 physical examination of the licensee or applicant. No
7 information shall be excluded by reason of any common law or
8 statutory privilege relating to communications between the
9 licensee or applicant and the examining physician. The
10 examining physicians shall be specifically designated by the
11 Board or Department. The individual to be examined may have, at
12 his or her own expense, another physician of his or her choice
13 present during all aspects of this examination. Failure of an
14 individual to submit to a mental or physical examination, when
15 directed, shall be grounds for suspension of his or her license
16 until the individual submits to the examination if the
17 Department finds, after notice and hearing, that the refusal to
18 submit to the examination was without reasonable cause.

19 If the Department or Board finds an individual unable to
20 practice because of the reasons set forth in this Section, the
21 Department or Board may require that individual to submit to
22 care, counseling, or treatment by physicians approved or
23 designated by the Department or Board, as a condition, term, or
24 restriction for continued, reinstated, or renewed licensure to
25 practice; or, in lieu of care, counseling, or treatment, the
26 Department may file, or the Board may recommend to the

1 Department to file, a complaint to immediately suspend, revoke,
2 or otherwise discipline the license of the individual. An
3 individual whose license was granted, continued, reinstated,
4 renewed, disciplined or supervised subject to such terms,
5 conditions, or restrictions, and who fails to comply with such
6 terms, conditions, or restrictions, shall be referred to the
7 Secretary for a determination as to whether the individual
8 shall have his or her license suspended immediately, pending a
9 hearing by the Department.

10 In instances in which the Secretary immediately suspends a
11 person's license under this Section, a hearing on that person's
12 license must be convened by the Department within 30 days after
13 the suspension and completed without appreciable delay. The
14 Department and Board shall have the authority to review the
15 subject individual's record of treatment and counseling
16 regarding the impairment to the extent permitted by applicable
17 federal statutes and regulations safeguarding the
18 confidentiality of medical records.

19 An individual licensed under this Act and affected under
20 this Section shall be afforded an opportunity to demonstrate to
21 the Department or Board that he or she can resume practice in
22 compliance with acceptable and prevailing standards under the
23 provisions of his or her license.

24 (Source: P.A. 99-227, eff. 8-3-15; 100-22, eff. 1-1-18;
25 100-188, eff. 1-1-18; 100-534, eff. 9-22-17; revised 10-2-17.)

1 (225 ILCS 454/30-5)

2 (Section scheduled to be repealed on January 1, 2020)

3 Sec. 30-5. Licensing of real estate education providers,
4 ~~education provider branches,~~ and instructors.

5 (a) No person shall operate an education provider entity
6 without possessing a valid and active license issued by the
7 Department. Only education providers in possession of a valid
8 education provider license may provide real estate
9 pre-license, post-license, or continuing education courses
10 that satisfy the requirements of this Act. Every person that
11 desires to obtain an education provider license shall make
12 application to the Department in writing on forms prescribed by
13 the Department and pay the fee prescribed by rule. In addition
14 to any other information required to be contained in the
15 application as prescribed by rule, every application for an
16 original or renewed license shall include the applicant's
17 Social Security number or tax identification number.

18 (b) (Blank).

19 (c) (Blank).

20 (d) (Blank).

21 (e) (Blank).

22 (f) To qualify for an education provider license, an
23 applicant must demonstrate the following:

24 (1) a sound financial base for establishing,
25 promoting, and delivering the necessary courses; budget
26 planning for the school's courses should be clearly

1 projected;

2 (2) a sufficient number of qualified, licensed
3 instructors as provided by rule;

4 (3) adequate support personnel to assist with
5 administrative matters and technical assistance;

6 (4) maintenance and availability of records of
7 participation for licensees;

8 (5) the ability to provide each participant who
9 successfully completes an approved program with a
10 certificate of completion signed by the administrator of a
11 licensed education provider on forms provided by the
12 Department;

13 (6) a written policy dealing with procedures for the
14 management of grievances and fee refunds;

15 (7) lesson plans and examinations, if applicable, for
16 each course;

17 (8) a 75% passing grade for successful completion of
18 any continuing education course or pre-license or
19 post-license examination, if required;

20 (9) the ability to identify and use instructors who
21 will teach in a planned program; instructor selections must
22 demonstrate:

23 (A) appropriate credentials;

24 (B) competence as a teacher;

25 (C) knowledge of content area; and

26 (D) qualification by experience.

1 Unless otherwise provided for in this Section, the
2 education provider shall provide a proctor or an electronic
3 means of proctoring for each examination; the education
4 provider shall be responsible for the conduct of the proctor;
5 the duties and responsibilities of a proctor shall be
6 established by rule.

7 Unless otherwise provided for in this Section, the
8 education provider must provide for closed book examinations
9 for each course unless the Department, upon the recommendation
10 of the Board, excuses this requirement based on the complexity
11 of the course material.

12 (g) Advertising and promotion of education activities must
13 be carried out in a responsible fashion clearly showing the
14 educational objectives of the activity, the nature of the
15 audience that may benefit from the activity, the cost of the
16 activity to the participant and the items covered by the cost,
17 the amount of credit that can be earned, and the credentials of
18 the faculty.

19 (h) The Department may, or upon request of the Board shall,
20 after notice, cause an education provider to attend an informal
21 conference before the Board for failure to comply with any
22 requirement for licensure or for failure to comply with any
23 provision of this Act or the rules for the administration of
24 this Act. The Board shall make a recommendation to the
25 Department as a result of its findings at the conclusion of any
26 such informal conference.

1 (i) All education providers shall maintain these minimum
2 criteria and pay the required fee in order to retain their
3 education provider license.

4 (j) The Department may adopt any administrative rule
5 consistent with the language and intent of this Act that may be
6 necessary for the implementation and enforcement of this
7 Section.

8 (Source: P.A. 100-188, eff. 1-1-18.)

9 Section 20. The Real Estate Appraiser Licensing Act of 2002
10 is amended by changing Sections 5-45 and 15-15 as follows:

11 (225 ILCS 458/5-45)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 5-45. Continuing education renewal requirements.

14 (a) The continuing education requirements for a person to
15 renew a license as a State certified general real estate
16 appraiser or a State certified residential real estate
17 appraiser shall be established by rule.

18 (b) The continuing education requirements for a person to
19 renew a license as an associate real estate trainee appraiser
20 shall be established by rule.

21 (c) Notwithstanding any other provision of this Act to the
22 contrary, the Department shall establish a continuing
23 education completion deadline for appraisal licensees and
24 require evidence of compliance with the continuing education

1 requirements before the renewal of a license.

2 (Source: P.A. 96-844, eff. 12-23-09.)

3 (225 ILCS 458/15-15)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 15-15. Investigation; notice; hearing.

6 (a) Upon the motion of the Department or the Board or upon
7 a complaint in writing of a person setting forth facts that, if
8 proven, would constitute grounds for suspension, revocation,
9 or other disciplinary action against a licensee or applicant
10 for licensure, the Department shall investigate the actions of
11 the licensee or applicant. If, upon investigation, the
12 Department believes that there may be cause for suspension,
13 revocation, or other disciplinary action, the Department shall
14 use the services of a State certified general real estate
15 appraiser, a State certified residential real estate
16 appraiser, or the Real Estate Coordinator to assist in
17 determining whether grounds for disciplinary action exist
18 prior to commencing formal disciplinary proceedings.

19 (b) Formal disciplinary proceedings shall commence upon
20 the issuance of a written complaint describing the charges that
21 are the basis of the disciplinary action and delivery of the
22 detailed complaint to the address of record of the licensee or
23 applicant. The Department shall notify the licensee or
24 applicant to file a verified written answer within 20 days
25 after the service of the notice and complaint. The notification

1 shall inform the licensee or applicant of his or her right to
2 be heard in person or by legal counsel; that the hearing will
3 be afforded not sooner than 30 days after service of the
4 complaint; that failure to file an answer will result in a
5 default being entered against the licensee or applicant; that
6 the license may be suspended, revoked, or placed on
7 probationary status; and that other disciplinary action may be
8 taken pursuant to this Act, including limiting the scope,
9 nature, or extent of the licensee's practice. If the licensee
10 or applicant fails to file an answer after service of notice,
11 his or her license may, at the discretion of the Department, be
12 suspended, revoked, or placed on probationary status and the
13 Department may take whatever disciplinary action it deems
14 proper, including limiting the scope, nature, or extent of the
15 person's practice, without a hearing.

16 (c) At the time and place fixed in the notice, the Board
17 shall conduct hearing of the charges, providing both the
18 accused person and the complainant ample opportunity to present
19 in person or by counsel such statements, testimony, evidence,
20 and argument as may be pertinent to the charges or to a defense
21 thereto.

22 (d) The Board shall present to the Secretary a written
23 report of its findings and recommendations. A copy of the
24 report shall be served upon the licensee or applicant, either
25 personally or by certified mail. Within 20 days after the
26 service, the licensee or applicant may present the Secretary

1 with a motion in writing for either a rehearing, a proposed
2 finding of fact, a conclusion of law, or an alternative
3 sanction, and shall specify the particular grounds for the
4 request. If the accused orders a transcript of the record as
5 provided in this Act, the time elapsing thereafter and before
6 the transcript is ready for delivery to the accused shall not
7 be counted as part of the 20 days. If the Secretary is not
8 satisfied that substantial justice has been done, the Secretary
9 may order a rehearing by the Board or other special committee
10 appointed by the Secretary, may remand the matter to the Board
11 for its reconsideration of the matter based on the pleadings
12 and evidence presented to the Board, or may enter a final order
13 in contravention of the Board's recommendation. ~~In all
14 instances under this Act in which the Board has rendered a
15 recommendation to the Secretary with respect to a particular
16 licensee or applicant, the Secretary, if he or she disagrees
17 with the recommendation of the Board, shall file with the Board
18 and provide to the licensee or applicant a copy of the
19 Secretary's specific written reasons for disagreement with the
20 Board. The reasons shall be filed within 60 days of the Board's
21 recommendation to the Secretary and prior to any contrary
22 action.~~ Notwithstanding a licensee's or applicant's failure to
23 file a motion for rehearing, the Secretary shall have the right
24 to take any of the actions specified in this subsection (d).
25 Upon the suspension or revocation of a license, the licensee
26 shall be required to surrender his or her license to the

1 Department, and upon failure or refusal to do so, the
2 Department shall have the right to seize the license.

3 (e) The Department has the power to issue subpoenas and
4 subpoenas duces tecum to bring before it any person in this
5 State, to take testimony, or to require production of any
6 records relevant to an inquiry or hearing by the Board in the
7 same manner as prescribed by law in judicial proceedings in the
8 courts of this State. In a case of refusal of a witness to
9 attend, testify, or to produce books or papers concerning a
10 matter upon which he or she might be lawfully examined, the
11 circuit court of the county where the hearing is held, upon
12 application of the Department or any party to the proceeding,
13 may compel obedience by proceedings as for contempt.

14 (f) Any license that is suspended indefinitely or revoked
15 may not be restored for a minimum period of 2 years, or as
16 otherwise ordered by the Secretary.

17 (g) In addition to the provisions of this Section
18 concerning the conduct of hearings and the recommendations for
19 discipline, the Department has the authority to negotiate
20 disciplinary and non-disciplinary settlement agreements
21 concerning any license issued under this Act. All such
22 agreements shall be recorded as Consent Orders or Consent to
23 Administrative Supervision Orders.

24 (h) The Secretary shall have the authority to appoint an
25 attorney duly licensed to practice law in the State of Illinois
26 to serve as the hearing officer in any action to suspend,

1 revoke, or otherwise discipline any license issued by the
2 Department. The Hearing Officer shall have full authority to
3 conduct the hearing.

4 (i) The Department, at its expense, shall preserve a record
5 of all formal hearings of any contested case involving the
6 discipline of a license. At all hearings or pre-hearing
7 conferences, the Department and the licensee shall be entitled
8 to have the proceedings transcribed by a certified shorthand
9 reporter. A copy of the transcribed proceedings shall be made
10 available to the licensee by the certified shorthand reporter
11 upon payment of the prevailing contract copy rate.

12 (Source: P.A. 96-844, eff. 12-23-09.)

13 Section 99. Effective date. This Act takes effect January
14 1, 2019."