



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

SB2049

Introduced 2/10/2017, by Sen. Chuck Weaver

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Real Estate License Act of 2000. Makes changes concerning continuing education under the Act, including hours, approval of courses, curriculum, and education providers. Adds provisions concerning education provider licenses. Removes provisions concerning continuing education schools. Makes changes in provisions concerning leasing agent licenses. Prohibits any leasing agent or leasing agent permit holder from engaging in activities that require a broker's or managing broker's license and from operating under a temporary leasing agent permit more than one time in that individual's lifetime. Makes changes to provisions concerning the Real Estate Administration and Disciplinary Board, including adding members so that it is composed of 15 (rather than 9) and requiring term limits. Repeals outdated provisions and provisions concerning confidentiality, offerings not meeting continuing education requirements, and the Real Estate Education Advisory Council and makes conforming changes throughout the Act. Makes other changes. Effective January 1, 2018.

LRB100 11357 SMS 21741 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Real Estate License Act of 2000 is amended  
5 by changing Sections 1-10, 5-5, 5-10, 5-27, 5-28, 5-50, 5-70,  
6 5-75, 5-80, 20-20, 20-23, 20-60, 20-68, 25-10, 30-5, 30-15,  
7 30-20, and 30-25 and the heading of Article 30 as follows:

8 (225 ILCS 454/1-10)

9 (Section scheduled to be repealed on January 1, 2020)

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

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

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

20 ~~"Advisory Council" means the Real Estate Education~~  
21 ~~Advisory Council created under Section 30-10 of this Act.~~

22 "Agency" means a relationship in which a broker or  
23 licensee, whether directly or through an affiliated licensee,

1 represents a consumer by the consumer's consent, whether  
2 express or implied, in a real property transaction.

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

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

14 "Board" means the Real Estate Administration and  
15 Disciplinary Board of the Department as created by Section  
16 25-10 of this Act.

17 "Branch office" means a sponsoring broker's office other  
18 than the sponsoring broker's principal office.

19 "Broker" means an individual, partnership, limited  
20 liability company, corporation, or registered limited  
21 liability partnership other than a leasing agent who, whether  
22 in person or through any media or technology, for another and  
23 for compensation, or with the intention or expectation of  
24 receiving compensation, either directly or indirectly:

25 (1) Sells, exchanges, purchases, rents, or leases real  
26 estate.

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

3           (3) Negotiates, offers, attempts, or agrees to  
4 negotiate the sale, exchange, purchase, rental, or leasing  
5 of real estate.

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

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

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

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

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

18          (9) Assists or directs in the negotiation of any  
19 transaction intended to result in the sale, exchange,  
20 lease, or rental of real estate.

21          (10) Opens real estate to the public for marketing  
22 purposes.

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

25          (12) Prepares or provides a broker price opinion or  
26 comparative market analysis as those terms are defined in

1           this Act, pursuant to the provisions of Section 10-45 of  
2           this Act.

3           "Brokerage agreement" means a written or oral agreement  
4           between a sponsoring broker and a consumer for licensed  
5           activities to be provided to a consumer in return for  
6           compensation or the right to receive compensation from another.  
7           Brokerage agreements may constitute either a bilateral or a  
8           unilateral agreement between the broker and the broker's client  
9           depending upon the content of the brokerage agreement. All  
10          exclusive brokerage agreements shall be in writing.

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

21          "Client" means a person who is being represented by a  
22          licensee.

23          "Comparative market analysis" is an analysis or opinion  
24          regarding pricing, marketing, or financial aspects relating to  
25          a specified interest or interests in real estate that may be  
26          based upon an analysis of comparative market data, the

1 expertise of the real estate broker or managing broker, and  
2 such other factors as the broker or managing broker may deem  
3 appropriate in developing or preparing such analysis or  
4 opinion. The activities of a real estate broker or managing  
5 broker engaging in the ordinary course of business as a broker,  
6 as defined in this Section, shall not be considered a  
7 comparative market analysis if no compensation is paid to the  
8 broker or managing broker, other than compensation based upon  
9 the sale or rental of real estate.

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

15 (1) commissions;

16 (2) referral fees;

17 (3) bonuses;

18 (4) prizes;

19 (5) merchandise;

20 (6) finder fees;

21 (7) performance of services;

22 (8) coupons or gift certificates;

23 (9) discounts;

24 (10) rebates;

25 (11) a chance to win a raffle, drawing, lottery, or  
26 similar game of chance not prohibited by any other law or

1 statute;

2 (12) retainer fee; or

3 (13) salary.

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

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

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

14 (3) the information becomes public from a source other  
15 than the licensee.

16 "Confidential information" shall not be considered to  
17 include material information about the physical condition of  
18 the property.

19 "Consumer" means a person or entity seeking or receiving  
20 licensed activities.

21 ~~"Continuing education school" means any person licensed by~~  
22 ~~the Department as a school for continuing education in~~  
23 ~~accordance with Section 30-15 of this Act.~~

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

26 "Credit hour" means 50 minutes of classroom instruction in

1 course work that meets the requirements set forth in rules  
2 adopted by the Department.

3 "Customer" means a consumer who is not being represented by  
4 the licensee but for whom the licensee is performing  
5 ministerial acts.

6 "Department" means the Department of Financial and  
7 Professional Regulation.

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

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

15 "Dual agency" means an agency relationship in which a  
16 licensee is representing both buyer and seller or both landlord  
17 and tenant in the same transaction. When the agency  
18 relationship is a designated agency, the question of whether  
19 there is a dual agency shall be determined by the agency  
20 relationships of the designated agent of the parties and not of  
21 the sponsoring broker.

22 "Education provider" means a school licensed by the  
23 Department offering courses in pre-license, post-license, and  
24 continuing education required by this Act.

25 "Employee" or other derivative of the word "employee", when  
26 used to refer to, describe, or delineate the relationship



1 between a sponsoring broker and a managing broker, broker, or a  
2 leasing agent, shall be construed to include an independent  
3 contractor relationship, provided that a written agreement  
4 exists that clearly establishes and states the relationship.  
5 All responsibilities of a broker shall remain.

6 "Escrow moneys" means all moneys, promissory notes or any  
7 other type or manner of legal tender or financial consideration  
8 deposited with any person for the benefit of the parties to the  
9 transaction. A transaction exists once an agreement has been  
10 reached and an accepted real estate contract signed or lease  
11 agreed to by the parties. Escrow moneys includes without  
12 limitation earnest moneys and security deposits, except those  
13 security deposits in which the person holding the security  
14 deposit is also the sole owner of the property being leased and  
15 for which the security deposit is being held.

16 "Electronic means of proctoring" means a methodology  
17 providing assurance that the person taking a test and  
18 completing the answers to questions is the person seeking  
19 licensure or credit for continuing education and is doing so  
20 without the aid of a third party or other device.

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

26 "Inoperative" means a status of licensure where the

1 licensee holds a current license under this Act, but the  
2 licensee is prohibited from engaging in licensed activities  
3 because the licensee is unsponsored or the license of the  
4 sponsoring broker with whom the licensee is associated or by  
5 whom he or she is employed is currently expired, revoked,  
6 suspended, or otherwise rendered invalid under this Act.

7 "Interactive delivery method" means delivery of a course by  
8 an instructor through a medium allowing for 2-way communication  
9 between the instructor and a student in which either can  
10 initiate or respond to questions.

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

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

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

20 "Licensed activities" means those activities listed in the  
21 definition of "broker" under this Section.

22 "Licensee" means any person, as defined in this Section,  
23 who holds a valid unexpired license as a managing broker,  
24 broker, or leasing agent.

25 "Listing presentation" means a communication between a  
26 managing broker or broker and a consumer in which the licensee

1 is attempting to secure a brokerage agreement with the consumer  
2 to market the consumer's real estate for sale or lease.

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

7 "Medium of advertising" means any method of communication  
8 intended to influence the general public to use or purchase a  
9 particular good or service or real estate.

10 "Ministerial acts" means those acts that a licensee may  
11 perform for a consumer that are informative or clerical in  
12 nature and do not rise to the level of active representation on  
13 behalf of a consumer. Examples of these acts include without  
14 limitation (i) responding to phone inquiries by consumers as to  
15 the availability and pricing of brokerage services, (ii)  
16 responding to phone inquiries from a consumer concerning the  
17 price or location of property, (iii) attending an open house  
18 and responding to questions about the property from a consumer,  
19 (iv) setting an appointment to view property, (v) responding to  
20 questions of consumers walking into a licensee's office  
21 concerning brokerage services offered or particular  
22 properties, (vi) accompanying an appraiser, inspector,  
23 contractor, or similar third party on a visit to a property,  
24 (vii) describing a property or the property's condition in  
25 response to a consumer's inquiry, (viii) completing business or  
26 factual information for a consumer on an offer or contract to

1 purchase on behalf of a client, (ix) showing a client through a  
2 property being sold by an owner on his or her own behalf, or  
3 (x) referral to another broker or service provider.

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

8 "Person" means and includes individuals, entities,  
9 corporations, limited liability companies, registered limited  
10 liability partnerships, and partnerships, foreign or domestic,  
11 except that when the context otherwise requires, the term may  
12 refer to a single individual or other described entity.

13 "Personal assistant" means a licensed or unlicensed person  
14 who has been hired for the purpose of aiding or assisting a  
15 sponsored licensee in the performance of the sponsored  
16 licensee's job.

17 "Pocket card" means the card issued by the Department to  
18 signify that the person named on the card is currently licensed  
19 under this Act.

20 ~~"Pre-license school" means a school licensed by the~~  
21 ~~Department offering courses in subjects related to real estate~~  
22 ~~transactions, including the subjects upon which an applicant is~~  
23 ~~examined in determining fitness to receive a license.~~

24 "Pre-renewal period" means the period between the date of  
25 issue of a currently valid license and the license's expiration  
26 date.

1 "Proctor" means any person, including, but not limited to,  
2 an instructor, who has a written agreement to administer  
3 examinations fairly and impartially with a licensed  
4 ~~pre-license school or a licensed continuing education~~ provider  
5 ~~school~~.

6 "Real estate" means and includes leaseholds as well as any  
7 other interest or estate in land, whether corporeal,  
8 incorporeal, freehold, or non-freehold, including timeshare  
9 interests, and whether the real estate is situated in this  
10 State or elsewhere.

11 "Regular employee" means a person working an average of 20  
12 hours per week for a person or entity who would be considered  
13 as an employee under the Internal Revenue Service eleven main  
14 tests in three categories being behavioral control, financial  
15 control and the type of relationship of the parties, formerly  
16 the twenty factor test.

17 "Secretary" means the Secretary of the Department of  
18 Financial and Professional Regulation, or a person authorized  
19 by the Secretary to act in the Secretary's stead.

20 "Sponsoring broker" means the broker who has issued a  
21 sponsor card to a licensed managing broker, broker, or a  
22 leasing agent.

23 "Sponsor card" means the temporary permit issued by the  
24 sponsoring broker certifying that the managing broker, broker,  
25 or leasing agent named thereon is employed by or associated by  
26 written agreement with the sponsoring broker, as provided for

1 in Section 5-40 of this Act.

2 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15;  
3 99-227, eff. 8-3-15.)

4 (225 ILCS 454/5-5)

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

6 Sec. 5-5. Leasing agent license.

7 (a) The purpose of this Section is to provide for a limited  
8 scope license to enable persons who wish to engage in  
9 activities limited to the leasing of residential real property  
10 for which a license is required under this Act, and only those  
11 activities, to do so by obtaining the license provided for  
12 under this Section.

13 (b) Notwithstanding the other provisions of this Act, there  
14 is hereby created a leasing agent license that shall enable the  
15 licensee to engage only in residential leasing activities for  
16 which a license is required under this Act. Such activities  
17 include ~~without limitation~~ leasing or renting residential real  
18 property, or attempting, offering, or negotiating to lease or  
19 rent residential real property, or supervising the collection,  
20 offer, attempt, or agreement to collect rent for the use of  
21 residential real property. Nothing in this Section shall be  
22 construed to require a licensed managing broker or broker to  
23 obtain a leasing agent license in order to perform leasing  
24 activities for which a license is required under this Act.  
25 Licensed leasing agents, including those operating under

1 subsection (d), shall not be allowed to engage in any activity  
2 that requires a broker's or managing broker's license,  
3 including, but not limited to, selling, offering, negotiating  
4 for sale, listing or showing for sale, or referring for sale or  
5 commercial lease real estate. Licensed leasing agents must be  
6 sponsored and employed by a sponsoring broker.

7 (c) The Department, by rule and in accordance with this  
8 Act, shall provide for the licensing of leasing agents,  
9 including the issuance, renewal, and administration of  
10 licenses.

11 (d) Notwithstanding any other provisions of this Act to the  
12 contrary, a person may engage in residential leasing activities  
13 for which a license is required under this Act, for a period of  
14 90 ~~120~~ consecutive days without being licensed, so long as the  
15 person is acting under the supervision of a sponsoring broker,  
16 ~~and~~ the sponsoring broker has notified the Department that the  
17 person is pursuing licensure under this Section, and the person  
18 has enrolled in the leasing agent pre-license education course  
19 no later than 60 days after beginning to engage in residential  
20 leasing activities. During the 90-day ~~120-day~~ period all  
21 requirements of Sections 5-10 and 5-65 of this Act with respect  
22 to education, successful completion of an examination, and the  
23 payment of all required fees must be satisfied. No individual  
24 shall be allowed to operate under the terms of this Section  
25 more than a single time in that individual's lifetime. The  
26 Department may adopt rules to ensure that the provisions of

1 this subsection are not used in a manner that enables an  
2 unlicensed person to repeatedly or continually engage in  
3 activities for which a license is required under this Act.

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

5 (225 ILCS 454/5-10)

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

7 Sec. 5-10. Requirements for license as leasing agent;  
8 continuing education.

9 (a) Every applicant for licensure as a leasing agent must  
10 meet the following qualifications:

11 (1) be at least 18 years of age;

12 (2) be of good moral character;

13 (3) successfully complete a 4-year course of study in a  
14 high school or secondary school or an equivalent course of  
15 study approved by the Illinois State Board of Education;

16 (4) personally take and pass a written examination  
17 authorized by the Department sufficient to demonstrate the  
18 applicant's knowledge of the provisions of this Act  
19 relating to leasing agents and the applicant's competence  
20 to engage in the activities of a licensed leasing agent;

21 (5) provide satisfactory evidence of having completed  
22 20 ~~15~~ hours of instruction in an approved course of study  
23 relating to the leasing of residential real property. The  
24 Board shall determine the number of hours each topic of  
25 study shall require. The course of study shall cover, among



1 other topics, ~~cover~~ the provisions of this Act applicable  
2 to leasing agents; fair housing issues relating to  
3 residential leasing; advertising and marketing issues;  
4 leases, applications, and credit reports; owner-tenant  
5 relationships and owner-tenant laws; the handling of  
6 funds; and environmental issues relating to residential  
7 real property;

8 (6) complete any other requirements as set forth by  
9 rule; and

10 (7) present a valid application for issuance of an  
11 initial license accompanied by a sponsor card and the fees  
12 specified by rule.

13 (b) No applicant shall engage in any of the activities  
14 covered by this Act until a valid sponsor card has been issued  
15 to such applicant. The sponsor card shall be valid for a  
16 maximum period of 45 days after the date of issuance unless  
17 extended for good cause as provided by rule.

18 (c) Successfully completed course work, completed pursuant  
19 to the requirements of this Section, may be applied to the  
20 course work requirements to obtain a managing broker's or  
21 broker's license as provided by rule. The Board ~~Advisory~~  
22 ~~Council~~ may recommend ~~through the Board~~ to the Department and  
23 the Department may adopt requirements for approved courses,  
24 course content, and the approval of courses, instructors, and  
25 education providers ~~schools~~, as well as education provider  
26 ~~school~~ and instructor fees. ~~The Department may establish~~

1 ~~continuing education requirements for licensed leasing agents,~~  
2 ~~by rule, with the advice of the Advisory Council and Board.~~

3 (d) The continuing education requirement for leasing  
4 agents shall consist of a single core curriculum to be  
5 established by the Board. Leasing agents shall be required to  
6 complete no less than 6 hours of continuing education for each  
7 2-year renewal period. Continuing education courses shall be 2  
8 hours in duration.

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

10 (225 ILCS 454/5-27)

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

12 Sec. 5-27. Requirements for licensure as a broker.

13 (a) Every applicant for licensure as a broker must meet the  
14 following qualifications:

15 (1) Be at least 21 years of age. After April 30, 2011,  
16 the minimum age of 21 years shall be waived for any person  
17 seeking a license as a broker who has attained the age of  
18 18 and can provide evidence of the successful completion of  
19 at least 4 semesters of post-secondary school study as a  
20 full-time student or the equivalent, with major emphasis on  
21 real estate courses, in a school approved by the  
22 Department;

23 (2) Be of good moral character;

24 (3) Successfully complete a 4-year course of study in a  
25 high school or secondary school approved by the Illinois

1 State Board of Education or an equivalent course of study  
2 as determined by an examination conducted by the Illinois  
3 State Board of Education which shall be verified under oath  
4 by the applicant;

5 (4) (Blank);

6 (5) After April 30, 2011, provide satisfactory  
7 evidence of having completed 90 hours of instruction in  
8 real estate courses approved by the Board ~~Advisory Council~~,  
9 15 hours of which must consist of situational and case  
10 studies presented in the classroom or by live, other  
11 interactive webinar or online distance education courses  
12 ~~delivery method between the instructor and the students;~~

13 (6) Personally take and pass a written examination  
14 authorized by the Department;

15 (7) Present a valid application for issuance of a  
16 license accompanied by a sponsor card and the fees  
17 specified by rule.

18 (b) The requirements specified in items (3) and (5) of  
19 subsection (a) of this Section do not apply to applicants who  
20 are currently admitted to practice law by the Supreme Court of  
21 Illinois and are currently in active standing.

22 (c) No applicant shall engage in any of the activities  
23 covered by this Act until a valid sponsor card has been issued  
24 to such applicant. The sponsor card shall be valid for a  
25 maximum period of 45 days after the date of issuance unless  
26 extended for good cause as provided by rule.

1 (d) All licenses should be readily available to the public  
2 at their place of business.

3 (e) An individual holding an active license as a managing  
4 broker may return the license to the Department along with a  
5 form provided by the Department and shall be issued a broker's  
6 license in exchange. Any individual obtaining a broker's  
7 license under this subsection (e) shall be considered as having  
8 obtained a broker's license by education and passing the  
9 required test and shall be treated as such in determining  
10 compliance with this Act.

11 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15;  
12 99-227, eff. 8-3-15.)

13 (225 ILCS 454/5-28)

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

15 Sec. 5-28. Requirements for licensure as a managing broker.

16 (a) Effective May 1, 2012, every applicant for licensure as  
17 a managing broker must meet the following qualifications:

18 (1) be at least 21 years of age;

19 (2) be of good moral character;

20 (3) have been licensed at least 2 out of the preceding  
21 3 years as a broker;

22 (4) successfully complete a 4-year course of study in  
23 high school or secondary school approved by the Illinois  
24 State Board of Education or an equivalent course of study  
25 as determined by an examination conducted by the Illinois

1 State Board of Education, which shall be verified under  
2 oath by the applicant;

3 (5) provide satisfactory evidence of having completed  
4 at least 165 hours, 120 of which shall be those hours  
5 required pre and post-licensure to obtain a broker's  
6 license, and 45 additional hours completed within the year  
7 immediately preceding the filing of an application for a  
8 managing broker's license, which hours shall focus on  
9 brokerage administration and management and leasing agent  
10 management and include at least 15 hours in the classroom  
11 or by live, ~~other~~ interactive webinar or online distance  
12 education courses ~~delivery method between the instructor~~  
13 ~~and the students;~~

14 (6) personally take and pass a written examination  
15 authorized by the Department; and

16 (7) present a valid application for issuance of a  
17 license accompanied by a sponsor card, an appointment as a  
18 managing broker, and the fees specified by rule.

19 (b) The requirements specified in item (5) of subsection  
20 (a) of this Section do not apply to applicants who are  
21 currently admitted to practice law by the Supreme Court of  
22 Illinois and are currently in active standing.

23 (c) No applicant shall act as a managing broker for more  
24 than 90 days after an appointment as a managing broker has been  
25 filed with the Department without obtaining a managing broker's  
26 license.

1 (Source: P.A. 98-531, eff. 8-23-13; 99-227, eff. 8-3-15.)

2 (225 ILCS 454/5-50)

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

4 Sec. 5-50. Expiration and renewal of managing broker,  
5 broker, or leasing agent license; sponsoring broker; register  
6 of licensees; pocket card.

7 (a) The expiration date and renewal period for each license  
8 issued under this Act shall be set by rule. Except as otherwise  
9 provided in this Section, the holder of a license may renew the  
10 license within 90 days preceding the expiration date thereof by  
11 completing the continuing education required by this Act and  
12 paying the fees specified by rule.

13 (b) An individual whose first license is that of a broker  
14 received on or after the effective date of this amendatory Act  
15 of the 100th General Assembly April 30, 2011, must provide  
16 evidence of having completed 30 hours of post-license education  
17 in courses approved by the Board ~~Advisory Council~~, 15 hours of  
18 which must consist of situational and case studies presented in  
19 a ~~the~~ classroom or a live interactive webinar, online distance  
20 education course, or home study course. Credit for courses  
21 taken through an online distance education course or a home  
22 study course shall require passage of ~~or by other interactive~~  
23 ~~delivery method between the instructor and the students, and~~  
24 ~~personally take and pass~~ an examination approved by the  
25 Department prior to the first renewal of their broker's

1 license.

2 (c) Any managing broker, broker, or leasing agent whose  
3 license under this Act has expired shall be eligible to renew  
4 the license during the 2-year period following the expiration  
5 date, provided the managing broker, broker, or leasing agent  
6 pays the fees as prescribed by rule and completes continuing  
7 education and other requirements provided for by the Act or by  
8 rule. Beginning on May 1, 2012, a managing broker licensee,  
9 broker, or leasing agent whose license has been expired for  
10 more than 2 years but less than 5 years may have it restored by  
11 (i) applying to the Department, (ii) paying the required fee,  
12 (iii) completing the continuing education requirements for the  
13 most recent pre-renewal period that ended prior to the date of  
14 the application for reinstatement, and (iv) filing acceptable  
15 proof of fitness to have his or her license restored, as set by  
16 rule. A managing broker, broker, or leasing agent whose license  
17 has been expired for more than 5 years shall be required to  
18 meet the requirements for a new license.

19 (d) Notwithstanding any other provisions of this Act to the  
20 contrary, any managing broker, broker, or leasing agent whose  
21 license expired while he or she was (i) on active duty with the  
22 Armed Forces of the United States or called into service or  
23 training by the state militia, (ii) engaged in training or  
24 education under the supervision of the United States  
25 preliminary to induction into military service, or (iii)  
26 serving as the Coordinator of Real Estate in the State of

1 Illinois or as an employee of the Department may have his or  
2 her license renewed, reinstated or restored without paying any  
3 lapsed renewal fees if within 2 years after the termination of  
4 the service, training or education by furnishing the Department  
5 with satisfactory evidence of service, training, or education  
6 and it has been terminated under honorable conditions.

7 (e) The Department shall establish and maintain a register  
8 of all persons currently licensed by the State and shall issue  
9 and prescribe a form of pocket card. Upon payment by a licensee  
10 of the appropriate fee as prescribed by rule for engagement in  
11 the activity for which the licensee is qualified and holds a  
12 license for the current period, the Department shall issue a  
13 pocket card to the licensee. The pocket card shall be  
14 verification that the required fee for the current period has  
15 been paid and shall indicate that the person named thereon is  
16 licensed for the current renewal period as a managing broker,  
17 broker, or leasing agent as the case may be. The pocket card  
18 shall further indicate that the person named thereon is  
19 authorized by the Department to engage in the licensed activity  
20 appropriate for his or her status (managing broker, broker, or  
21 leasing agent). Each licensee shall carry on his or her person  
22 his or her pocket card or, if such pocket card has not yet been  
23 issued, a properly issued sponsor card when engaging in any  
24 licensed activity and shall display the same on demand.

25 (f) The Department shall provide to the sponsoring broker a  
26 notice of renewal for all sponsored licensees by mailing the



1 notice to the sponsoring broker's address of record, or, at the  
2 Department's discretion, by an electronic means as provided for  
3 by rule.

4 (g) Upon request from the sponsoring broker, the Department  
5 shall make available to the sponsoring broker, either by mail  
6 or by an electronic means at the discretion of the Department,  
7 a listing of licensees under this Act who, according to the  
8 records of the Department, are sponsored by that broker. Every  
9 licensee associated with or employed by a broker whose license  
10 is revoked, suspended, terminated, or expired shall be  
11 considered as inoperative until such time as the sponsoring  
12 broker's license is reinstated or renewed, or the licensee  
13 changes employment as set forth in subsection (c) of Section  
14 5-40 of this Act.

15 (Source: P.A. 98-531, eff. 8-23-13; 99-227, eff. 8-3-15.)

16 (225 ILCS 454/5-70)

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

18 Sec. 5-70. Continuing education requirement; managing  
19 broker or broker.

20 (a) The requirements of this Section apply to all managing  
21 brokers and brokers.

22 (b) Except as otherwise provided in this Section, each  
23 person who applies for renewal of his or her license as a  
24 managing broker or broker must successfully complete 6 hours of  
25 real estate continuing education courses approved by the Board

1 ~~Advisory Council~~ for each year of the pre-renewal period. In  
2 addition, beginning with the pre-renewal period for managing  
3 broker licensees that begins after the effective date of this  
4 Act, those licensees renewing or obtaining a managing broker's  
5 license must successfully complete a 12-hour broker management  
6 continuing education course approved by the Department each  
7 pre-renewal period. The broker management continuing education  
8 course must be completed in the classroom or by other  
9 interactive delivery method between the instructor and the  
10 students. Successful completion of the course shall include  
11 achieving a passing score as provided by rule on a test  
12 developed and administered in accordance with rules adopted by  
13 the Department. No license may be renewed except upon the  
14 successful completion of the required courses or their  
15 equivalent or upon a waiver of those requirements for good  
16 cause shown as determined by the Secretary with the  
17 recommendation of the Board ~~Advisory Council~~. The requirements  
18 of this Article are applicable to all managing brokers and  
19 brokers except those managing brokers and brokers who, during  
20 the pre-renewal period:

- 21 (1) serve in the armed services of the United States;
  - 22 (2) serve as an elected State or federal official;
  - 23 (3) serve as a full-time employee of the Department; or
  - 24 (4) are admitted to practice law pursuant to Illinois  
25 Supreme Court rule.
- 26 (c) (Blank).

1 (d) A person receiving an initial license during the 90  
2 days before the renewal date shall not be required to complete  
3 the continuing education courses provided for in subsection (b)  
4 of this Section as a condition of initial license renewal.

5 (e) The continuing education requirement for brokers and  
6 managing brokers shall consist of a single core curriculum and  
7 an elective curriculum, to be established by the Board in  
8 accordance with this subsection. The core curriculum shall not  
9 be further divided into subcategories or divisions of  
10 instruction. The core curriculum shall consist of 4 hours per  
11 2-year Advisory Council. In meeting the continuing education  
12 requirements of this Act, at least 3 hours per year or their  
13 equivalent, 6 hours for each two-year pre-renewal period on the  
14 subjects of advertising, agency, disclosures, escrow, fair  
15 housing, leasing agent management, and license law. The amount  
16 of time allotted to each of the foregoing subjects shall be  
17 determined by the Board, shall be required to be completed in  
18 the core curriculum. The core curriculum shall be reviewed and,  
19 if necessary, revised every 4 years by the Board. However, the  
20 core curriculum's total hourly requirement shall only be  
21 subject to change by amendment of this subsection and any  
22 change to the core curriculum shall not be effective for a  
23 period of 6 months after such change is made by the Board. The  
24 Board shall provide notice to all approved education providers  
25 of any changes to the core curriculum. When determining whether  
26 revisions of the core curriculum's subjects or specific time

1 requirements are necessary ~~In establishing the core~~  
2 ~~curriculum,~~ the Board ~~Advisory Council~~ shall consider ~~subjects~~  
3 ~~that will educate licensees on~~ recent changes in applicable  
4 laws, and new laws, and ~~refresh the licensee on~~ areas of the  
5 license law and the Department policy that the Board ~~Advisory~~  
6 ~~Council~~ deems appropriate, and any other subject areas the  
7 Board ~~that the Advisory Council~~ deems timely and applicable in  
8 order to prevent violations of this Act and to protect the  
9 public. In establishing the elective curriculum, the Board  
10 ~~Advisory Council~~ shall consider subjects that cover the various  
11 aspects of the practice of real estate that are covered under  
12 the scope of this Act. ~~However, the elective curriculum shall~~  
13 ~~not include any offerings referred to in Section 5-85 of this~~  
14 ~~Act.~~

15 (f) The subject areas of continuing education courses  
16 approved by the Board shall be meant to protect the  
17 professionalism of the industry and the public and prevent  
18 violations of this Act and ~~Advisory Council~~ may include without  
19 limitation the following:

- 20 (1) license law and escrow;
- 21 (2) antitrust;
- 22 (3) fair housing;
- 23 (4) agency;
- 24 (5) appraisal;
- 25 (6) property management;
- 26 (7) residential brokerage;

- 1 (8) farm property management;  
2 (9) rights and duties of sellers, buyers, and brokers;  
3 (10) commercial brokerage and leasing; ~~and~~  
4 (11) real estate financing; ~~+~~  
5 (12) disclosures;  
6 (13) leasing agent management; and  
7 (14) advertising.

8 (g) In lieu of credit for those courses listed in  
9 subsection (f) of this Section, credit may be earned for  
10 serving as a licensed instructor in an approved course of  
11 continuing education. The amount of credit earned for teaching  
12 a course shall be the amount of continuing education credit for  
13 which the course is approved for licensees taking the course.

14 (h) Credit hours may be earned for self-study programs  
15 approved by the Board ~~Advisory Council~~.

16 (i) A managing broker or broker may earn credit for a  
17 specific continuing education course only once during the  
18 prerenewal period.

19 (j) No more than 6 hours of continuing education credit may  
20 be taken in one calendar day.

21 (k) To promote the offering of a uniform and consistent  
22 course content, the Board ~~Department~~ may provide for the  
23 development of a single broker management course to be offered  
24 by all ~~continuing~~ education providers who choose to offer the  
25 broker management continuing education course. The Board  
26 ~~Department~~ may contract for the development of the 12-hour

1 broker management continuing education course with an outside  
2 vendor or consultant and, if the course is developed in this  
3 manner, the Board ~~Department~~ or the outside consultant shall  
4 license the use of that course to all approved continuing  
5 education providers who wish to provide the course.

6 (1) Except as specifically provided in this Act, continuing  
7 education credit hours may not be earned for completion of pre  
8 or post-license courses. The approved 30-hour post-license  
9 course for broker licensees shall satisfy the continuing  
10 education requirement for the pre-renewal period in which the  
11 course is taken. The approved 45-hour brokerage administration  
12 and management course shall satisfy the 12-hour broker  
13 management continuing education requirement for the  
14 pre-renewal period in which the course is taken.

15 (Source: P.A. 98-531, eff. 8-23-13; 99-227, eff. 8-3-15;  
16 99-728, eff. 1-1-17.)

17 (225 ILCS 454/5-75)

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

19 Sec. 5-75. Out-of-state continuing education credit. If a  
20 renewal applicant has earned continuing education hours in  
21 another state or territory for which he or she is claiming  
22 credit toward full compliance in Illinois, the Board ~~Advisory~~  
23 ~~Council~~ shall review, approve, or disapprove those hours based  
24 upon whether the course is one that would be approved under  
25 Section 5-70 of this Act, whether the course meets the basic

1 requirements for continuing education under this Act, and any  
2 other criteria that is provided by statute or rule.

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

4 (225 ILCS 454/5-80)

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

6 Sec. 5-80. Evidence of compliance with continuing  
7 education requirements.

8 (a) Each renewal applicant shall certify, on his or her  
9 renewal application, full compliance with continuing education  
10 requirements set forth in Section 5-70. The ~~continuing~~  
11 education provider ~~school~~ shall retain and submit to the  
12 Department after the completion of each course evidence of  
13 those successfully completing the course as provided by rule.

14 (b) The Department may require additional evidence  
15 demonstrating compliance with the continuing education  
16 requirements. The renewal applicant shall retain and produce  
17 the evidence of compliance upon request of the Department.

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

19 (225 ILCS 454/20-20)

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

21 Sec. 20-20. Grounds for discipline.

22 (a) The Department may refuse to issue or renew a license,  
23 may place on probation, suspend, or revoke any license,  
24 reprimand, or take any other disciplinary or non-disciplinary

1 action as the Department may deem proper and impose a fine not  
2 to exceed \$25,000 upon any licensee or applicant under this Act  
3 or any person who holds himself or herself out as an applicant  
4 or licensee or against a licensee in handling his or her own  
5 property, whether held by deed, option, or otherwise, for any  
6 one or any combination of the following causes:

7 (1) Fraud or misrepresentation in applying for, or  
8 procuring, a license under this Act or in connection with  
9 applying for renewal of a license under this Act.

10 (2) The conviction of or plea of guilty or plea of nolo  
11 contendere to a felony or misdemeanor in this State or any  
12 other jurisdiction; or the entry of an administrative  
13 sanction by a government agency in this State or any other  
14 jurisdiction. Action taken under this paragraph (2) for a  
15 misdemeanor or an administrative sanction is limited to a  
16 misdemeanor or administrative sanction that has as an  
17 essential element dishonesty or fraud or involves larceny,  
18 embezzlement, or obtaining money, property, or credit by  
19 false pretenses or by means of a confidence game.

20 (3) Inability to practice the profession with  
21 reasonable judgment, skill, or safety as a result of a  
22 physical illness, including, but not limited to,  
23 deterioration through the aging process or loss of motor  
24 skill, or a mental illness or disability.

25 (4) Practice under this Act as a licensee in a retail  
26 sales establishment from an office, desk, or space that is



1 not separated from the main retail business by a separate  
2 and distinct area within the establishment.

3 (5) Having been disciplined by another state, the  
4 District of Columbia, a territory, a foreign nation, or a  
5 governmental agency authorized to impose discipline if at  
6 least one of the grounds for that discipline is the same as  
7 or the equivalent of one of the grounds for which a  
8 licensee may be disciplined under this Act. A certified  
9 copy of the record of the action by the other state or  
10 jurisdiction shall be prima facie evidence thereof.

11 (6) Engaging in the practice of real estate brokerage  
12 without a license or after the licensee's license or  
13 temporary permit was expired or while the license was  
14 inoperative.

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

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

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

22 (10) Making any substantial misrepresentation or  
23 untruthful advertising.

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

26 (12) Pursuing a continued and flagrant course of

1 misrepresentation or the making of false promises through  
2 licensees, employees, agents, advertising, or otherwise.

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

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

9 (15) Representing or attempting to represent a broker  
10 other than the sponsoring broker.

11 (16) Failure to account for or to remit any moneys or  
12 documents coming into his or her possession that belong to  
13 others.

14 (17) Failure to maintain and deposit in a special  
15 account, separate and apart from personal and other  
16 business accounts, all escrow moneys belonging to others  
17 entrusted to a licensee while acting as a broker, escrow  
18 agent, or temporary custodian of the funds of others or  
19 failure to maintain all escrow moneys on deposit in the  
20 account until the transactions are consummated or  
21 terminated, except to the extent that the moneys, or any  
22 part thereof, shall be:

23 (A) disbursed prior to the consummation or  
24 termination (i) in accordance with the written  
25 direction of the principals to the transaction or their  
26 duly authorized agents, (ii) in accordance with

1 directions providing for the release, payment, or  
2 distribution of escrow moneys contained in any written  
3 contract signed by the principals to the transaction or  
4 their duly authorized agents, or (iii) pursuant to an  
5 order of a court of competent jurisdiction; or

6 (B) deemed abandoned and transferred to the Office  
7 of the State Treasurer to be handled as unclaimed  
8 property pursuant to the Uniform Disposition of  
9 Unclaimed Property Act. Escrow moneys may be deemed  
10 abandoned under this subparagraph (B) only: (i) in the  
11 absence of disbursement under subparagraph (A); (ii)  
12 in the absence of notice of the filing of any claim in  
13 a court of competent jurisdiction; and (iii) if 6  
14 months have elapsed after the receipt of a written  
15 demand for the escrow moneys from one of the principals  
16 to the transaction or the principal's duly authorized  
17 agent.

18 The account shall be noninterest bearing, unless the  
19 character of the deposit is such that payment of interest  
20 thereon is otherwise required by law or unless the  
21 principals to the transaction specifically require, in  
22 writing, that the deposit be placed in an interest bearing  
23 account.

24 (18) Failure to make available to the Department all  
25 escrow records and related documents maintained in  
26 connection with the practice of real estate within 24 hours

1 of a request for those documents by Department personnel.

2 (19) Failing to furnish copies upon request of  
3 documents relating to a real estate transaction to a party  
4 who has executed that document.

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

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

11 (22) Commingling the money or property of others with  
12 his or her own money or property.

13 (23) Employing any person on a purely temporary or  
14 single deal basis as a means of evading the law regarding  
15 payment of commission to nonlicensees on some contemplated  
16 transactions.

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

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

24 (26) Displaying a "for rent" or "for sale" sign on any  
25 property without the written consent of an owner or his or  
26 her duly authorized agent or advertising by any means that

1 any property is for sale or for rent without the written  
2 consent of the owner or his or her authorized agent.

3 (27) Failing to provide information requested by the  
4 Department, or otherwise respond to that request, within 30  
5 days of the request.

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

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

11 (A) A "guaranteed sales plan" is any real estate  
12 purchase or sales plan whereby a licensee enters into a  
13 conditional or unconditional written contract with a  
14 seller, prior to entering into a brokerage agreement  
15 with the seller, by the terms of which a licensee  
16 agrees to purchase a property of the seller within a  
17 specified period of time at a specific price in the  
18 event the property is not sold in accordance with the  
19 terms of a brokerage agreement to be entered into  
20 between the sponsoring broker and the seller.

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

24 (C) A licensee offering a guaranteed sales plan  
25 shall provide to the party to whom the plan is offered  
26 evidence of sufficient financial resources to satisfy

1 the commitment to purchase undertaken by the broker in  
2 the plan.

3 (D) Any licensee offering a guaranteed sales plan  
4 shall undertake to market the property of the seller  
5 subject to the plan in the same manner in which the  
6 broker would market any other property, unless the  
7 agreement with the seller provides otherwise.

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

11 (F) Any licensee who fails to perform on a  
12 guaranteed sales plan in strict accordance with its  
13 terms shall be subject to all the penalties provided in  
14 this Act for violations thereof and, in addition, shall  
15 be subject to a civil fine payable to the party injured  
16 by the default in an amount of up to \$25,000.

17 (30) Influencing or attempting to influence, by any  
18 words or acts, a prospective seller, purchaser, occupant,  
19 landlord, or tenant of real estate, in connection with  
20 viewing, buying, or leasing real estate, so as to promote  
21 or tend to promote the continuance or maintenance of  
22 racially and religiously segregated housing or so as to  
23 retard, obstruct, or discourage racially integrated  
24 housing on or in any street, block, neighborhood, or  
25 community.

26 (31) Engaging in any act that constitutes a violation

1 of any provision of Article 3 of the Illinois Human Rights  
2 Act, whether or not a complaint has been filed with or  
3 adjudicated by the Human Rights Commission.

4 (32) Inducing any party to a contract of sale or lease  
5 or brokerage agreement to break the contract of sale or  
6 lease or brokerage agreement for the purpose of  
7 substituting, in lieu thereof, a new contract for sale or  
8 lease or brokerage agreement with a third party.

9 (33) Negotiating a sale, exchange, or lease of real  
10 estate directly with any person if the licensee knows that  
11 the person has an exclusive brokerage agreement with  
12 another broker, unless specifically authorized by that  
13 broker.

14 (34) When a licensee is also an attorney, acting as the  
15 attorney for either the buyer or the seller in the same  
16 transaction in which the licensee is acting or has acted as  
17 a managing broker or broker.

18 (35) Advertising or offering merchandise or services  
19 as free if any conditions or obligations necessary for  
20 receiving the merchandise or services are not disclosed in  
21 the same advertisement or offer. These conditions or  
22 obligations include without limitation the requirement  
23 that the recipient attend a promotional activity or visit a  
24 real estate site. As used in this subdivision (35), "free"  
25 includes terms such as "award", "prize", "no charge", "free  
26 of charge", "without charge", and similar words or phrases

1           that reasonably lead a person to believe that he or she may  
2           receive or has been selected to receive something of value,  
3           without any conditions or obligations on the part of the  
4           recipient.

5           (36) Disregarding or violating any provision of the  
6           Land Sales Registration Act of 1989, the Illinois Real  
7           Estate Time-Share Act, or the published rules promulgated  
8           by the Department to enforce those Acts.

9           (37) Violating the terms of a disciplinary order issued  
10          by the Department.

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

13          (39) Requiring a party to a transaction who is not a  
14          client of the licensee to allow the licensee to retain a  
15          portion of the escrow moneys for payment of the licensee's  
16          commission or expenses as a condition for release of the  
17          escrow moneys to that party.

18          (40) Disregarding or violating any provision of this  
19          Act or the published rules promulgated by the Department to  
20          enforce this Act or aiding or abetting any individual,  
21          partnership, registered limited liability partnership,  
22          limited liability company, or corporation in disregarding  
23          any provision of this Act or the published rules  
24          promulgated by the Department to enforce this Act.

25          (41) Failing to provide the minimum services required  
26          by Section 15-75 of this Act when acting under an exclusive



1 brokerage agreement.

2 (42) Habitual or excessive use or addiction to alcohol,  
3 narcotics, stimulants, or any other chemical agent or drug  
4 that results in a managing broker, broker, or leasing  
5 agent's inability to practice with reasonable skill or  
6 safety.

7 (43) Enabling, aiding, or abetting an auctioneer, as  
8 defined in the Auction License Act, to conduct a real  
9 estate auction in a manner that is in violation of this  
10 Act.

11 (44) Permitting any leasing agent or temporary leasing  
12 agent permit holder to engage in activities which require a  
13 broker's or managing broker's license.

14 (45) Aiding or abetting the violation of subsection (d)  
15 of Section 5-5 of this Act by knowingly permitting an  
16 individual to operate under a temporary leasing agent  
17 permit more than one time in that individual's lifetime.

18 (b) The Department may refuse to issue or renew or may  
19 suspend the license of any person who fails to file a return,  
20 pay the tax, penalty or interest shown in a filed return, or  
21 pay any final assessment of tax, penalty, or interest, as  
22 required by any tax Act administered by the Department of  
23 Revenue, until such time as the requirements of that tax Act  
24 are satisfied in accordance with subsection (g) of Section  
25 2105-15 of the Civil Administrative Code of Illinois.

26 (c) The Department shall deny a license or renewal

1 authorized by this Act to a person who has defaulted on an  
2 educational loan or scholarship provided or guaranteed by the  
3 Illinois Student Assistance Commission or any governmental  
4 agency of this State in accordance with item (5) of subsection  
5 (a) of Section 2105-15 of the Civil Administrative Code of  
6 Illinois.

7 (d) In cases where the Department of Healthcare and Family  
8 Services (formerly Department of Public Aid) has previously  
9 determined that a licensee or a potential licensee is more than  
10 30 days delinquent in the payment of child support and has  
11 subsequently certified the delinquency to the Department may  
12 refuse to issue or renew or may revoke or suspend that person's  
13 license or may take other disciplinary action against that  
14 person based solely upon the certification of delinquency made  
15 by the Department of Healthcare and Family Services in  
16 accordance with item (5) of subsection (a) of Section 2105-15  
17 of the Civil Administrative Code of Illinois.

18 (e) In enforcing this Section, the Department or Board upon  
19 a showing of a possible violation may compel an individual  
20 licensed to practice under this Act, or who has applied for  
21 licensure under this Act, to submit to a mental or physical  
22 examination, or both, as required by and at the expense of the  
23 Department. The Department or Board may order the examining  
24 physician to present testimony concerning the mental or  
25 physical examination of the licensee or applicant. No  
26 information shall be excluded by reason of any common law or

1 statutory privilege relating to communications between the  
2 licensee or applicant and the examining physician. The  
3 examining physicians shall be specifically designated by the  
4 Board or Department. The individual to be examined may have, at  
5 his or her own expense, another physician of his or her choice  
6 present during all aspects of this examination. Failure of an  
7 individual to submit to a mental or physical examination, when  
8 directed, shall be grounds for suspension of his or her license  
9 until the individual submits to the examination if the  
10 Department finds, after notice and hearing, that the refusal to  
11 submit to the examination was without reasonable cause.

12 If the Department or Board finds an individual unable to  
13 practice because of the reasons set forth in this Section, the  
14 Department or Board may require that individual to submit to  
15 care, counseling, or treatment by physicians approved or  
16 designated by the Department or Board, as a condition, term, or  
17 restriction for continued, reinstated, or renewed licensure to  
18 practice; or, in lieu of care, counseling, or treatment, the  
19 Department may file, or the Board may recommend to the  
20 Department to file, a complaint to immediately suspend, revoke,  
21 or otherwise discipline the license of the individual. An  
22 individual whose license was granted, continued, reinstated,  
23 renewed, disciplined or supervised subject to such terms,  
24 conditions, or restrictions, and who fails to comply with such  
25 terms, conditions, or restrictions, shall be referred to the  
26 Secretary for a determination as to whether the individual

1 shall have his or her license suspended immediately, pending a  
2 hearing by the Department.

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

12 An individual licensed under this Act and affected under  
13 this Section shall be afforded an opportunity to demonstrate to  
14 the Department or Board that he or she can resume practice in  
15 compliance with acceptable and prevailing standards under the  
16 provisions of his or her license.

17 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;  
18 99-227, eff. 8-3-15.)

19 (225 ILCS 454/20-23)

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

21 Sec. 20-23. Confidentiality. All information collected by  
22 the Department in the course of an examination or investigation  
23 of a licensee or applicant, including, but not limited to, any  
24 complaint against a licensee, applicant, or any person who  
25 holds himself or herself out as a licensee or applicant that is

1 filed with the Department and information collected to  
2 investigate any such complaint, shall be maintained for the  
3 confidential use of the Department and shall not be disclosed.  
4 The Department may not disclose the information to anyone other  
5 than law enforcement officials, regulatory agencies that have  
6 an appropriate regulatory interest as determined by the  
7 Secretary, the licensee's managing broker of record, or a party  
8 presenting a lawful subpoena to the Department. Information and  
9 documents disclosed to a federal, State, county, or local law  
10 enforcement agency shall not be disclosed by the agency for any  
11 purpose to any other agency or person. A formal complaint filed  
12 against a licensee by the Department or any order issued by the  
13 Department against a licensee or applicant shall be a public  
14 record, except as otherwise prohibited by law.

15 (Source: P.A. 98-553, eff. 1-1-14.)

16 (225 ILCS 454/20-60)

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

18 Sec. 20-60. Investigations notice and hearing. The  
19 Department may investigate the actions of any applicant or of  
20 any person or persons rendering or offering to render services  
21 or any person holding or claiming to hold a license under this  
22 Act. The Department shall, before revoking, suspending,  
23 placing on probation, reprimanding, or taking any other  
24 disciplinary action under Article 20 of this Act, at least 30  
25 days before the date set for the hearing, (i) notify the

1 accused and his or her sponsoring broker in writing of the  
2 charges made and the time and place for the hearing on the  
3 charges, (ii) direct him or her to file a written answer to the  
4 charges with the Board under oath within 20 days after the  
5 service on him or her of the notice, and (iii) inform the  
6 accused that if he or she fails to answer, default will be  
7 taken against him or her or that his or her license may be  
8 suspended, revoked, placed on probationary status, or other  
9 disciplinary action taken with regard to the license, including  
10 limiting the scope, nature, or extent of his or her practice,  
11 as the Department may consider proper. At the time and place  
12 fixed in the notice, the Board shall proceed to hear the  
13 charges and the parties or their counsel shall be accorded  
14 ample opportunity to present any pertinent statements,  
15 testimony, evidence, and arguments. The Board may continue the  
16 hearing from time to time. In case the person, after receiving  
17 the notice, fails to file an answer, his or her license may, in  
18 the discretion of the Department, be suspended, revoked, placed  
19 on probationary status, or the Department may take whatever  
20 disciplinary action considered proper, including limiting the  
21 scope, nature, or extent of the person's practice or the  
22 imposition of a fine, without a hearing, if the act or acts  
23 charged constitute sufficient grounds for that action under  
24 this Act. The written notice may be served by personal delivery  
25 or by certified mail to the address specified by the accused in  
26 his or her last notification with the Department.

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

2 (225 ILCS 454/20-68)

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

4 Sec. 20-68. Surrender of license. Upon the revocation or  
5 suspension of a license, the Department shall immediately  
6 notify the licensee's sponsoring broker of the revocation or  
7 suspension and the licensee shall immediately surrender his or  
8 her license to the Department. If the licensee fails to do so,  
9 the Department has the right to seize the license.

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

11 (225 ILCS 454/25-10)

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

13 Sec. 25-10. Real Estate Administration and Disciplinary  
14 Board; duties. There is created the Real Estate Administration  
15 and Disciplinary Board. The Board shall be composed of 15 ~~9~~  
16 persons appointed by the Governor. Members shall be appointed  
17 to the Board subject to the following conditions:

18 (1) All members shall have been residents and citizens  
19 of this State for at least 6 years prior to the date of  
20 appointment.

21 (2) Nine ~~Six~~ members shall have been actively engaged  
22 as managing brokers or brokers or both for at least the 10  
23 years prior to the appointment.

24 (3) Three members of the Board shall be public members

1 who represent consumer interests.

2 (4) One member shall be a representative of a licensed  
3 real estate education provider.

4 (5) One member shall be a representative of an Illinois  
5 real estate trade organization.

6 (6) One member shall be a representative of an  
7 institution of higher education that offers pre-license  
8 and continuing education courses.

9 None of these members shall be (i) a person who is licensed  
10 under this Act or a similar Act of another jurisdiction, (ii)  
11 the spouse or family member of a licensee, (iii) a person who  
12 has an ownership interest in a real estate brokerage business,  
13 or (iv) a person the Department determines to have any other  
14 connection with a real estate brokerage business or a licensee.  
15 The members' terms shall be 4 years or until their successor is  
16 appointed, and the expiration of their terms shall be  
17 staggered. No member shall be reappointed to the Board for a  
18 term that would cause his or her cumulative service on the  
19 Board to exceed 12 years. Appointments to fill vacancies shall  
20 be for the unexpired portion of the term. Those members of the  
21 Board that satisfy the requirements of paragraph (2) shall be  
22 chosen in a manner such that no area of the State shall be  
23 unreasonably represented. ~~The membership of the Board should~~  
24 ~~reasonably reflect the geographic distribution of the licensee~~  
25 ~~population in this State.~~ In making the appointments, the  
26 Governor shall give due consideration to the recommendations by



1 members and organizations of the profession. The Governor may  
2 terminate the appointment of any member for cause that in the  
3 opinion of the Governor reasonably justifies the termination.  
4 Cause for termination shall include without limitation  
5 misconduct, incapacity, neglect of duty, or missing 4 board  
6 meetings during any one calendar year. Each member of the Board  
7 may receive a per diem stipend in an amount to be determined by  
8 the Secretary. Each member shall be paid his or her necessary  
9 expenses while engaged in the performance of his or her duties.  
10 Such compensation and expenses shall be paid out of the Real  
11 Estate License Administration Fund. The Secretary shall  
12 consider the recommendations of the Board on questions  
13 involving standards of professional conduct, discipline, and  
14 examination of candidates under this Act. The Secretary may  
15 establish temporary or permanent committees of the Board and  
16 may consider the recommendations of the Board on questions  
17 involving criteria for the licensing and renewal of pre-license  
18 schools, pre-license instructors, continuing education  
19 schools, continuing education instructors, pre-license school  
20 and continuing education curricula, standards of educational  
21 criteria qualifications for licensure, and renewal of  
22 professions, schools, courses, and instructors. The  
23 Department, after notifying and considering the  
24 recommendations of the Board, if any, may issue rules,  
25 consistent with the provisions of this Act, for the  
26 administration and enforcement thereof and may prescribe forms

1 that shall be used in connection therewith. Eight ~~Five~~ Board  
2 members shall constitute a quorum. A quorum is required for all  
3 Board decisions.

4 (Source: P.A. 98-1109, eff. 1-1-15; 99-227, eff. 8-3-15.)

5 (225 ILCS 454/Art. 30 heading)

6 ARTICLE 30. EDUCATION PROVIDERS AND COURSES ~~SCHOOLS AND~~  
7 ~~INSTRUCTORS~~

8 (225 ILCS 454/30-5)

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

10 Sec. 30-5. Licensing of education providers ~~pre-license~~  
11 ~~schools~~, school branches, and instructors.

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

1 ~~shall operate a pre license school or school branch without~~  
2 ~~possessing a valid pre license school or school branch license~~  
3 ~~issued by the Department. No person shall act as a pre license~~  
4 ~~instructor at a pre license school or school branch without~~  
5 ~~possessing a valid pre license instructor license issued by the~~  
6 ~~Department. Every person who desires to obtain a pre license~~  
7 ~~school, school branch, or pre license instructor license shall~~  
8 ~~make application to the Department in writing in form and~~  
9 ~~substance satisfactory to the Department and pay the required~~  
10 ~~fees prescribed by rule. In addition to any other information~~  
11 ~~required to be contained in the application, every application~~  
12 ~~for an original license shall include the applicant's Social~~  
13 ~~Security number, which shall be retained in the agency's~~  
14 ~~records pertaining to the license. As soon as practical, the~~  
15 ~~Department shall assign a customer's identification number to~~  
16 ~~each applicant for a license.~~

17 ~~Every application for a renewal or restored license shall~~  
18 ~~require the applicant's customer identification number.~~

19 ~~The Department shall issue a pre license school, school~~  
20 ~~branch, or pre license instructor license to applicants who~~  
21 ~~meet qualification criteria established by rule. The~~  
22 ~~Department may refuse to issue, suspend, revoke, or otherwise~~  
23 ~~discipline a pre license school, school branch, or pre license~~  
24 ~~instructor license or may withdraw approval of a course offered~~  
25 ~~by a pre license school for good cause. Disciplinary~~  
26 ~~proceedings shall be conducted by the Board in the same manner~~

1 ~~as other disciplinary proceedings under this Act.~~

2 (b) (Blank). ~~All pre-license instructors must teach at~~  
3 ~~least one course within the period of licensure or take an~~  
4 ~~instructor training program approved by the Department in lieu~~  
5 ~~thereof. A pre license instructor may teach at more than one~~  
6 ~~licensed pre license school.~~

7 (c) (Blank). ~~The term of license for pre license schools,~~  
8 ~~branches, and instructors shall be 2 years as established by~~  
9 ~~rule.~~

10 (d) (Blank). ~~The Department or the Advisory Council may,~~  
11 ~~after notice, cause a pre license school to attend an informal~~  
12 ~~conference before the Advisory Council for failure to comply~~  
13 ~~with any requirement for licensure or for failure to comply~~  
14 ~~with any provision of this Act or the rules for the~~  
15 ~~administration of this Act. The Advisory Council shall make a~~  
16 ~~recommendation to the Board as a result of its findings at the~~  
17 ~~conclusion of any such informal conference.~~

18 (e) (Blank). ~~For purposes of this Section, the term~~  
19 ~~"pre license" shall also include the 30 hour post license~~  
20 ~~course required to be taken to retain a broker's license.~~

21 (f) The criteria for an education provider license shall  
22 include the following:

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



1           (10) unless otherwise provided for herein, 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  
5           proctor; the duties and responsibilities of a proctor shall  
6           be established by rule; and

7           (11) unless otherwise provided for herein, the  
8           education provider must provide for closed book  
9           examinations for each course unless the Board excuses this  
10          requirement based on the complexity of the course material.

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

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

26          (i) All education providers shall maintain these minimum

1 criteria and pay the required fee in order to retain their  
2 education provider license.

3 (Source: P.A. 96-856, eff. 12-31-09; 97-400, eff. 1-1-12.)

4 (225 ILCS 454/30-15)

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

6 Sec. 30-15. Licensing of ~~continuing~~ education providers  
7 ~~schools~~; approval of courses.

8 (a) (Blank). ~~Only continuing education schools in~~  
9 ~~possession of a valid continuing education school license may~~  
10 ~~provide real estate continuing education courses that will~~  
11 ~~satisfy the requirements of this Act. Pre-license schools~~  
12 ~~licensed to offer pre-license education courses for brokers,~~  
13 ~~managing brokers, or leasing agents shall qualify for a~~  
14 ~~continuing education school license upon completion of an~~  
15 ~~application and the submission of the required fee. Every~~  
16 ~~entity that desires to obtain a continuing education school~~  
17 ~~license shall make application to the Department in writing in~~  
18 ~~forms prescribed by the Department and pay the fee prescribed~~  
19 ~~by rule. In addition to any other information required to be~~  
20 ~~contained in the application, every application for an original~~  
21 ~~or renewed license shall include the applicant's Social~~  
22 ~~Security number.~~

23 (b) (Blank). ~~The criteria for a continuing education~~  
24 ~~license shall include the following:~~

25 ~~(1) A sound financial base for establishing,~~

1 ~~promoting, and delivering the necessary courses. Budget~~  
2 ~~planning for the School's courses should be clearly~~  
3 ~~projected.~~

4 ~~(2) A sufficient number of qualified, licensed~~  
5 ~~instructors as provided by rule.~~

6 ~~(3) Adequate support personnel to assist with~~  
7 ~~administrative matters and technical assistance.~~

8 ~~(4) Maintenance and availability of records of~~  
9 ~~participation for licensees.~~

10 ~~(5) The ability to provide each participant who~~  
11 ~~successfully completes an approved program with a~~  
12 ~~certificate of completion signed by the administrator of a~~  
13 ~~licensed continuing education school on forms provided by~~  
14 ~~the Department.~~

15 ~~(6) The continuing education school must have a written~~  
16 ~~policy dealing with procedures for the management of~~  
17 ~~grievances and fee refunds.~~

18 ~~(7) The continuing education school shall maintain~~  
19 ~~lesson plans and examinations for each course.~~

20 ~~(8) The continuing education school shall require a 70%~~  
21 ~~passing grade for successful completion of any continuing~~  
22 ~~education course.~~

23 ~~(9) The continuing education school shall identify and~~  
24 ~~use instructors who will teach in a planned program.~~  
25 ~~Suggested criteria for instructor selections include:~~

26 ~~(A) appropriate credentials;~~



1 ~~(B) competence as a teacher;~~

2 ~~(C) knowledge of content area; and~~

3 ~~(D) qualification by experience.~~

4 ~~(10) The continuing education school shall provide a~~  
5 ~~proctor or an electronic means of proctoring for each~~  
6 ~~examination. The continuing education school shall be~~  
7 ~~responsible for the conduct of the proctor. The duties and~~  
8 ~~responsibilities of a proctor shall be established by rule.~~

9 ~~(11) The continuing education school must provide for~~  
10 ~~closed book examinations for each course unless the~~  
11 ~~Advisory Council excuses this requirement based on the~~  
12 ~~complexity of the course material.~~

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

20 (d) (Blank). ~~The Department may or upon request of the~~  
21 ~~Advisory Council shall, after notice, cause a continuing~~  
22 ~~education school to attend an informal conference before the~~  
23 ~~Advisory Council for failure to comply with any requirement for~~  
24 ~~licensure or for failure to comply with any provision of this~~  
25 ~~Act or the rules for the administration of this Act. The~~  
26 ~~Advisory Council shall make a recommendation to the Board as a~~

1 ~~result of its findings at the conclusion of any such informal~~  
2 ~~conference.~~

3 (e) (Blank). ~~All continuing education schools shall~~  
4 ~~maintain these minimum criteria and pay the required fee in~~  
5 ~~order to retain their continuing education school license.~~

6 (f) All education providers ~~continuing education schools~~  
7 shall submit, at the time of initial application and with each  
8 license renewal, a list of courses with course materials that  
9 comply with the course requirements in this Act to be offered  
10 by the education provider ~~continuing education school~~. The  
11 Department, ~~however,~~ shall establish an online ~~a~~ mechanism by  
12 which education providers ~~whereby continuing education schools~~  
13 may submit ~~apply~~ for ~~and obtain~~ approval by the Board or its  
14 designee pre-license, post-license, or continuing education  
15 ~~for continuing education~~ courses that are submitted after the  
16 time of the education provider's initial license application or  
17 renewal. All courses submitted online shall be approved or  
18 denied within 3 days after their submission. Upon written  
19 request to the Board by the education provider, all courses  
20 submitted for approval online that are denied approval by the  
21 Board's designee may be reviewed by the full Board and the full  
22 Board may render a decision that approves of the course or  
23 affirms the denial of the course. The Department shall provide  
24 to each education provider ~~continuing education school~~ a  
25 certificate for each approved pre-license, post-license, or  
26 continuing education course. All pre-license, post-license, or

1 continuing education courses shall be valid for the period  
2 coinciding with the term of license of the education provider.  
3 However, in no case shall a course continue to be valid if it  
4 does not, at all times, meet all of the requirements of the  
5 core curriculum established by this Act and the Board, as  
6 modified from time to time in accordance with this Act  
7 ~~continuing education school~~. All education providers  
8 ~~continuing education schools~~ shall provide a copy of the  
9 certificate of the pre-license, post-license, or continuing  
10 education course within the course materials given to each  
11 student or shall display a copy of the certificate of the  
12 pre-license, post-license, or continuing education course in a  
13 conspicuous place at the location of the class.

14 (g) Each education provider ~~continuing education school~~  
15 shall provide to the Department a monthly report in a format  
16 determined by the Department, with information concerning  
17 students who successfully completed all approved pre-license,  
18 post-license, or continuing education courses offered by the  
19 ~~continuing education provider school~~ for the prior month.

20 (h) The Department, upon the recommendation of the Board  
21 ~~Advisory Council~~, may temporarily suspend a licensed  
22 ~~continuing education provider's school's~~ approved courses  
23 without hearing and refuse to accept successful completion of  
24 or participation in any of these pre-license, post-license, or  
25 continuing education courses for ~~continuing~~ education credit  
26 from that education provider ~~school~~ upon the failure of that

1 ~~continuing~~ education provider ~~school~~ to comply with the  
2 provisions of this Act or the rules for the administration of  
3 this Act, until such time as the Board ~~Department~~ receives  
4 satisfactory assurance of compliance. The Board ~~Department~~  
5 shall notify the ~~continuing~~ education provider ~~school~~ of the  
6 noncompliance and may initiate disciplinary proceedings  
7 pursuant to this Act. The Department may refuse to issue,  
8 suspend, revoke, or otherwise discipline the license of an ~~a~~  
9 ~~continuing~~ education provider ~~school~~ or may withdraw approval  
10 of a pre-license, post-license, or continuing education course  
11 for good cause. Failure to comply with the requirements of this  
12 Section or any other requirements established by rule shall be  
13 deemed to be good cause. Disciplinary proceedings shall be  
14 conducted by the Board in the same manner as other disciplinary  
15 proceedings under this Act.

16 (i) Pre-license, post-license, and continuing education  
17 courses, whether submitted for approval at the time of an  
18 education provider's initial application for licensure or  
19 otherwise, must meet the following minimum course  
20 requirements:

21 (1) No pre-license, post-license, or continuing  
22 education course shall be required to be longer than 2  
23 hours in duration; however, for each 2 hours of course time  
24 in each course, there shall be a minimum of 100 minutes of  
25 instruction.

26 (2) All core curriculum courses shall be provided only

1 through a live interactive webinar or online distance  
2 education format.

3 (3) Courses provided through a live, interactive  
4 webinar shall require all participants to demonstrate  
5 their attendance in and attention to the course by  
6 answering or responding to at least one polling question  
7 per 30 minutes of course instruction. In no event shall the  
8 interval between polling questions exceed 30 minutes.

9 (4) All participants in courses provided in an online  
10 distance education format shall demonstrate proficiency  
11 with the subject matter of the course through verifiable  
12 responses to questions included in the course content.

13 (5) Credit for courses completed through a live  
14 interactive webinar or online distance education shall not  
15 require an in-person, proctored examination.

16 (6) Credit for courses provided through correspondence  
17 distance education, or by home study, shall require the  
18 passage of an in-person, proctored examination.

19 (j) The Department is authorized to engage a third party as  
20 the Board's designee to perform the functions specifically  
21 provided for in subsection (a) of this Section 5-15, namely  
22 that of administering the online system for receipt, review,  
23 and approval or denial of new courses.

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

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

2 Sec. 30-20. Fees for ~~continuing~~ education provider school  
3 license; renewal; term. All applications for an a-continuing  
4 education provider school license shall be accompanied by a  
5 nonrefundable application fee in an amount established by rule.  
6 All ~~continuing~~ education providers schools shall be required to  
7 submit a renewal application, the required fee as established  
8 by rule, and a listing of the courses to be offered during the  
9 year in order to renew their ~~continuing~~ education provider  
10 school licenses. The term for an a-continuing education  
11 provider school license shall be 2 years ~~and as established by~~  
12 ~~rule~~. The fees collected under this Article 30 shall be  
13 deposited in the Real Estate License Administration Fund and  
14 shall be used to defray the cost of administration of the  
15 program and per diem of the Board ~~Advisory Council~~ as  
16 determined by the Secretary.

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

18 (225 ILCS 454/30-25)

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

20 Sec. 30-25. Licensing of ~~continuing~~ education provider  
21 instructors.

22 (a) No ~~such~~ person shall act as either a pre-license or  
23 education provider continuing education instructor ~~at a~~  
24 ~~continuing education school or branch~~ without possessing a  
25 valid pre-license or ~~continuing~~ education provider instructor

1 license and satisfying any other qualification criteria  
2 established by the Department by rule.

3 (a-5) Each person that is an instructor for pre-license,  
4 continuing education core curriculum or managing broker  
5 education courses shall meet specific criteria established by  
6 the Department by rule. Those persons who have not met the  
7 criteria shall only teach continuing education elective  
8 curriculum courses.

9 (b) ~~Every~~ ~~After the effective date of this Act, every~~  
10 person who desires to obtain an ~~a continuing~~ education provider  
11 instructor's license shall attend and successfully complete a  
12 one-day instructor development workshop, as approved by the  
13 Department. However, pre-license education provider  
14 instructors who have complied with subsection (b) of this  
15 Section 30-25 shall not be required to complete the instructor  
16 workshop in order to teach continuing education elective  
17 curriculum courses.

18 (b-5) The term of licensure for a pre-license or continuing  
19 education provider instructor shall be 2 years and as  
20 established by rule. Every person who desires to obtain a  
21 pre-license or continuing ~~continuing~~ education provider  
22 instructor license shall make application to the Department in  
23 writing on forms prescribed by the Department ~~Office~~,  
24 accompanied by the fee prescribed by rule. In addition to any  
25 other information required to be contained in the application,  
26 every application for an original license shall include the

1 applicant's Social Security number, which shall be retained in  
2 the agency's records pertaining to the license. As soon as  
3 practical, the Department shall assign a customer's  
4 identification number to each applicant for a license.

5 Every application for a renewal or restored license shall  
6 require the applicant's customer identification number.

7 The Department shall issue a pre-license or continuing  
8 ~~continuing~~ education provider instructor license to applicants  
9 who meet qualification criteria established by this Act or  
10 rule.

11 (c) The Department may refuse to issue, suspend, revoke, or  
12 otherwise discipline a pre-license or continuing education  
13 instructor for good cause. Disciplinary proceedings shall be  
14 conducted by the Board in the same manner as other disciplinary  
15 proceedings under this Act. All pre-license education provider  
16 instructors must teach at least one pre-license or continuing  
17 education core curriculum course within the period of licensure  
18 as a requirement for renewal of the instructor's license. All  
19 continuing education provider instructors must teach at least  
20 one course within the period of licensure or take an instructor  
21 training program approved by the Department in lieu thereof as  
22 a requirement for renewal of the instructor's license.

23 (d) Each course transcript submitted by an education  
24 provider to the Department shall include the name and license  
25 number of the pre-license or continuing education provider  
26 instructor for the course.



1 (Source: P.A. 96-856, eff. 12-31-09; 97-400, eff. 1-1-12.)

2 (225 ILCS 454/5-26 rep.)

3 (225 ILCS 454/5-85 rep.)

4 (225 ILCS 454/20-78 rep.)

5 (225 ILCS 454/30-10 rep.)

6 Section 10. The Real Estate License Act of 2000 is amended  
7 by repealing Sections 5-26, 5-85, 20-78, and 30-10.

8 Section 99. Effective date. This Act takes effect January  
9 1, 2018.

1 INDEX

2 Statutes amended in order of appearance

- 3 225 ILCS 454/1-10
- 4 225 ILCS 454/5-5
- 5 225 ILCS 454/5-10
- 6 225 ILCS 454/5-27
- 7 225 ILCS 454/5-28
- 8 225 ILCS 454/5-50
- 9 225 ILCS 454/5-70
- 10 225 ILCS 454/5-75
- 11 225 ILCS 454/5-80
- 12 225 ILCS 454/20-20
- 13 225 ILCS 454/20-23
- 14 225 ILCS 454/20-60
- 15 225 ILCS 454/20-68
- 16 225 ILCS 454/25-10
- 17 225 ILCS 454/Art. 30
- 18 heading
- 19 225 ILCS 454/30-5
- 20 225 ILCS 454/30-15
- 21 225 ILCS 454/30-20
- 22 225 ILCS 454/30-25
- 23 225 ILCS 454/5-26 rep.
- 24 225 ILCS 454/5-85 rep.
- 25 225 ILCS 454/20-78 rep.

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1 225 ILCS 454/30-10 rep.