

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 Auction License Act is amended by changing
5 Section 10-30 as follows:

6 (225 ILCS 407/10-30)

7 (Section scheduled to be repealed on January 1, 2020)

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

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

15 (b) All renewal applicants must provide proof as determined
16 by the Department of having met the continuing education
17 requirements by the deadline set forth by the Department by
18 rule. At a minimum, the rules shall require an applicant for
19 renewal licensure as an auctioneer to provide proof of the
20 completion of at least 12 hours of continuing education during
21 the pre-renewal period established by the Department for
22 completion of continuing education ~~preceding the expiration~~
23 ~~date of the license~~ from schools approved by the Department, as

1 established by rule.

2 (c) The Department, in its discretion, may waive
3 enforcement of the continuing education requirements of this
4 Section and shall adopt rules defining the standards and
5 criteria for such waiver.

6 (d) (Blank).

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

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

10 (225 ILCS 441/5-30)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 5-30. Continuing education renewal requirements. The
13 continuing education requirements for a person to renew a
14 license as a home inspector shall be established by rule. The
15 Department shall establish a continuing education completion
16 deadline for home inspector licensees and require evidence of
17 compliance with continuing education requirements in a manner
18 established by rule before the renewal of a license.

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

20 Section 15. The Real Estate License Act of 2000 is amended
21 by changing Sections 1-10, 5-15, 5-20, 5-45, 10-15, 10-20,
22 20-20, and 30-5 as follows:

1 (225 ILCS 454/1-10)

2 (Section scheduled to be repealed on January 1, 2020)

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

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

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

13 "Agency" means a relationship in which a broker or
14 licensee, whether directly or through an affiliated licensee,
15 represents a consumer by the consumer's consent, whether
16 express or implied, in a real property transaction.

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

20 "Blind advertisement" means any real estate advertisement
21 that does not include the sponsoring broker's business name and
22 that is used by any licensee regarding the sale or lease of
23 real estate, ~~including his or her own~~, licensed activities, or
24 the hiring of any licensee under this Act. The broker's
25 business name in the case of a franchise shall include the
26 franchise affiliation as well as the name of the individual

1 firm.

2 "Board" means the Real Estate Administration and
3 Disciplinary Board of the Department as created by Section
4 25-10 of this Act.

5 "Branch office" means a sponsoring broker's office other
6 than the sponsoring broker's principal office.

7 "Broker" means an individual, entity, corporation, foreign
8 or domestic partnership, limited liability company,
9 ~~corporation, or~~ registered limited liability partnership, or
10 other business entity other than a leasing agent who, whether
11 in person or through any media or technology, for another and
12 for compensation, or with the intention or expectation of
13 receiving compensation, either directly or indirectly:

14 (1) Sells, exchanges, purchases, rents, or leases real
15 estate.

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

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

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

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

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

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

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

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

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

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

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

18 "Brokerage agreement" means a written or oral agreement
19 between a sponsoring broker and a consumer for licensed
20 activities to be provided to a consumer in return for
21 compensation or the right to receive compensation from another.
22 Brokerage agreements may constitute either a bilateral or a
23 unilateral agreement between the broker and the broker's client
24 depending upon the content of the brokerage agreement. All
25 exclusive brokerage agreements shall be in writing.

26 "Broker price opinion" means an estimate or analysis of the

1 probable selling price of a particular interest in real estate,
2 which may provide a varying level of detail about the
3 property's condition, market, and neighborhood and information
4 on comparable sales. The activities of a real estate broker or
5 managing broker engaging in the ordinary course of business as
6 a broker, as defined in this Section, shall not be considered a
7 broker price opinion if no compensation is paid to the broker
8 or managing broker, other than compensation based upon the sale
9 or rental of real estate.

10 "Client" means a person who is being represented by a
11 licensee.

12 "Comparative market analysis" is an analysis or opinion
13 regarding pricing, marketing, or financial aspects relating to
14 a specified interest or interests in real estate that may be
15 based upon an analysis of comparative market data, the
16 expertise of the real estate broker or managing broker, and
17 such other factors as the broker or managing broker may deem
18 appropriate in developing or preparing such analysis or
19 opinion. The activities of a real estate broker or managing
20 broker engaging in the ordinary course of business as a broker,
21 as defined in this Section, shall not be considered a
22 comparative market analysis if no compensation is paid to the
23 broker or managing broker, other than compensation based upon
24 the sale or rental of real estate.

25 "Compensation" means the valuable consideration given by
26 one person or entity to another person or entity in exchange

1 for the performance of some activity or service. Compensation
2 shall include the transfer of valuable consideration,
3 including without limitation the following:

4 (1) commissions;

5 (2) referral fees;

6 (3) bonuses;

7 (4) prizes;

8 (5) merchandise;

9 (6) finder fees;

10 (7) performance of services;

11 (8) coupons or gift certificates;

12 (9) discounts;

13 (10) rebates;

14 (11) a chance to win a raffle, drawing, lottery, or
15 similar game of chance not prohibited by any other law or
16 statute;

17 (12) retainer fee; or

18 (13) salary.

19 "Confidential information" means information obtained by a
20 licensee from a client during the term of a brokerage agreement
21 that (i) was made confidential by the written request or
22 written instruction of the client, (ii) deals with the
23 negotiating position of the client, or (iii) is information the
24 disclosure of which could materially harm the negotiating
25 position of the client, unless at any time:

26 (1) the client permits the disclosure of information

1 given by that client by word or conduct;

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

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

5 "Confidential information" shall not be considered to
6 include material information about the physical condition of
7 the property.

8 "Consumer" means a person or entity seeking or receiving
9 licensed activities.

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

12 "Credit hour" means 50 minutes of classroom instruction in
13 course work that meets the requirements set forth in rules
14 adopted by the Department.

15 "Customer" means a consumer who is not being represented by
16 the licensee but for whom the licensee is performing
17 ministerial acts.

18 "Department" means the Department of Financial and
19 Professional Regulation.

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

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

1 "Dual agency" means an agency relationship in which a
2 licensee is representing both buyer and seller or both landlord
3 and tenant in the same transaction. When the agency
4 relationship is a designated agency, the question of whether
5 there is a dual agency shall be determined by the agency
6 relationships of the designated agent of the parties and not of
7 the sponsoring broker.

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

11 "Employee" or other derivative of the word "employee", when
12 used to refer to, describe, or delineate the relationship
13 between a sponsoring broker and a managing broker, broker, or a
14 leasing agent, shall be construed to include an independent
15 contractor relationship, provided that a written agreement
16 exists that clearly establishes and states the relationship.
17 All responsibilities of a broker shall remain.

18 "Escrow moneys" means all moneys, promissory notes or any
19 other type or manner of legal tender or financial consideration
20 deposited with any person for the benefit of the parties to the
21 transaction. A transaction exists once an agreement has been
22 reached and an accepted real estate contract signed or lease
23 agreed to by the parties. Escrow moneys includes without
24 limitation earnest moneys and security deposits, except those
25 security deposits in which the person holding the security
26 deposit is also the sole owner of the property being leased and

1 for which the security deposit is being held.

2 "Electronic means of proctoring" means a methodology
3 providing assurance that the person taking a test and
4 completing the answers to questions is the person seeking
5 licensure or credit for continuing education and is doing so
6 without the aid of a third party or other device.

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

12 "Inoperative" means a status of licensure where the
13 licensee holds a current license under this Act, but the
14 licensee is prohibited from engaging in licensed activities
15 because the licensee is unsponsored or the license of the
16 sponsoring broker with whom the licensee is associated or by
17 whom he or she is employed is currently expired, revoked,
18 suspended, or otherwise rendered invalid under this Act.

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

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

25 "Leasing Agent" means a person who is employed by a broker
26 to engage in licensed activities limited to leasing residential

1 real estate who has obtained a license as provided for in
2 Section 5-5 of this Act.

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

6 "Licensed activities" means those activities listed in the
7 definition of "broker" under this Section.

8 "Licensee" means any person, as defined in this Section,
9 who holds a valid unexpired license as a managing broker,
10 broker, or leasing agent.

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

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

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

22 "Ministerial acts" means those acts that a licensee may
23 perform for a consumer that are informative or clerical in
24 nature and do not rise to the level of active representation on
25 behalf of a consumer. Examples of these acts include without
26 limitation (i) responding to phone inquiries by consumers as to

1 the availability and pricing of brokerage services, (ii)
2 responding to phone inquiries from a consumer concerning the
3 price or location of property, (iii) attending an open house
4 and responding to questions about the property from a consumer,
5 (iv) setting an appointment to view property, (v) responding to
6 questions of consumers walking into a licensee's office
7 concerning brokerage services offered or particular
8 properties, (vi) accompanying an appraiser, inspector,
9 contractor, or similar third party on a visit to a property,
10 (vii) describing a property or the property's condition in
11 response to a consumer's inquiry, (viii) completing business or
12 factual information for a consumer on an offer or contract to
13 purchase on behalf of a client, (ix) showing a client through a
14 property being sold by an owner on his or her own behalf, or
15 (x) referral to another broker or service provider.

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

20 "Person" means and includes individuals, entities,
21 corporations, limited liability companies, registered limited
22 liability partnerships, foreign and domestic ~~and~~ partnerships,
23 and other business entities ~~foreign or domestic~~, except that
24 when the context otherwise requires, the term may refer to a
25 single individual or other described entity.

26 "Personal assistant" means a licensed or unlicensed person

1 who has been hired for the purpose of aiding or assisting a
2 sponsored licensee in the performance of the sponsored
3 licensee's job.

4 "Pocket card" means the card issued by the Department to
5 signify that the person named on the card is currently licensed
6 under this Act.

7 "Pre-renewal period" means the period between the date of
8 issue of a currently valid license and the license's expiration
9 date.

10 "Proctor" means any person, including, but not limited to,
11 an instructor, who has a written agreement to administer
12 examinations fairly and impartially with a licensed education
13 provider.

14 "Real estate" means and includes leaseholds as well as any
15 other interest or estate in land, whether corporeal,
16 incorporeal, freehold, or non-freehold and whether the real
17 estate is situated in this State or elsewhere. "Real estate"
18 does not include property sold, exchanged, or leased as a
19 timeshare or similar vacation item or interest, vacation club
20 membership, or other activity formerly regulated under the Real
21 Estate Timeshare Act of 1999 (repealed).

22 "Regular employee" means a person working an average of 20
23 hours per week for a person or entity who would be considered
24 as an employee under the Internal Revenue Service eleven main
25 tests in three categories being behavioral control, financial
26 control and the type of relationship of the parties, formerly

1 the twenty factor test.

2 "Secretary" means the Secretary of the Department of
3 Financial and Professional Regulation, or a person authorized
4 by the Secretary to act in the Secretary's stead.

5 "Sponsoring broker" means the broker who has issued a
6 sponsor card to a licensed managing broker, broker, or a
7 leasing agent.

8 "Sponsor card" means the temporary permit issued by the
9 sponsoring broker certifying that the managing broker, broker,
10 or leasing agent named thereon is employed by or associated by
11 written agreement with the sponsoring broker, as provided for
12 in Section 5-40 of this Act.

13 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18;
14 100-534, eff. 9-22-17; revised 10-2-17.)

15 (225 ILCS 454/5-15)

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

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

19 (a) It is unlawful for any person, ~~corporation, limited~~
20 ~~liability company, registered limited liability partnership,~~
21 ~~or partnership~~ to act as a managing broker, broker, or leasing
22 agent or to advertise or assume to act as such managing broker,
23 broker or leasing agent without a properly issued sponsor card
24 or a license issued under this Act by the Department, either
25 directly or through its authorized designee.

1 (b) No corporation shall be granted a license or engage in
2 the business or capacity, either directly or indirectly, of a
3 broker, unless every officer of the corporation who actively
4 participates in the real estate activities of the corporation
5 holds a license as a managing broker or broker and unless every
6 employee who acts as a managing broker, broker, or leasing
7 agent for the corporation holds a license as a managing broker,
8 broker, or leasing agent. All nonparticipating owners or
9 officers shall submit affidavits of nonparticipation as
10 required by the Department.

11 (c) No partnership shall be granted a license or engage in
12 the business or serve in the capacity, either directly or
13 indirectly, of a broker, unless every ~~general~~ partner in the
14 partnership who actively participates in the real estate
15 activities of the partnership holds a license as a managing
16 broker or broker and unless every employee who acts as a
17 managing broker, broker, or leasing agent for the partnership
18 holds a license as a managing broker, broker, or leasing agent.
19 All nonparticipating partners shall submit affidavits of
20 nonparticipation as required by the Department. In the case of
21 a registered limited liability partnership (LLP), every
22 partner in the LLP that actively participates in the real
23 estate activities of the limited liability partnership must
24 hold a license as a managing broker or broker and every
25 employee who acts as a managing broker, broker, or leasing
26 agent must hold a license as a managing broker, broker, or

1 leasing agent. All nonparticipating limited liability partners
2 shall submit affidavits of nonparticipation as required by the
3 Department.

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

17 (e) (Blank). ~~No partnership, limited liability company, or~~
18 ~~corporation shall be licensed to conduct a brokerage business~~
19 ~~where an individual leasing agent, or group of leasing agents,~~
20 ~~owns or directly or indirectly controls more than 49% of the~~
21 ~~shares of stock or other ownership in the partnership, limited~~
22 ~~liability company, or corporation.~~

23 (f) No person shall be granted a license if any
24 participating owner, officer, director, partner, limited
25 liability partner, member, or manager has been denied a real
26 estate license by the Department in the previous 5 years or is

1 otherwise currently barred from real estate practice because of
2 a suspension or revocation.

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

4 (225 ILCS 454/5-20)

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

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

9 (1) Any person, ~~partnership, or corporation~~ that as
10 owner or lessor performs any of the acts described in the
11 definition of "broker" under Section 1-10 of this Act with
12 reference to property owned or leased by it, or to the
13 regular employees thereof with respect to the property so
14 owned or leased, where such acts are performed in the
15 regular course of or as an incident to the management,
16 sale, or other disposition of such property and the
17 investment therein, provided that such regular employees
18 do not perform any of the acts described in the definition
19 of "broker" under Section 1-10 of this Act in connection
20 with a vocation of selling or leasing any real estate or
21 the improvements thereon not so owned or leased.

22 (2) An attorney in fact acting under a duly executed
23 and recorded power of attorney to convey real estate from
24 the owner or lessor or the services rendered by an attorney
25 at law in the performance of the attorney's duty as an

1 attorney at law.

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

6 (4) Any person acting as a resident manager for the
7 owner or any employee acting as the resident manager for a
8 broker managing an apartment building, duplex, or
9 apartment complex, when the resident manager resides on the
10 premises, the premises is his or her primary residence, and
11 the resident manager is engaged in the leasing of the
12 property of which he or she is the resident manager.

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

15 (6) Any officer or employee of the State government or
16 any political subdivision thereof performing official
17 duties.

18 (7) Any multiple listing service or other similar
19 information exchange that is engaged in the collection and
20 dissemination of information concerning real estate
21 available for sale, purchase, lease, or exchange for the
22 purpose of providing licensees with a system by which
23 licensees may cooperatively share information along with
24 which no other licensed activities, as defined in Section
25 1-10 of this Act, are provided.

26 (8) Railroads and other public utilities regulated by

1 the State of Illinois, or the officers or full time
2 employees thereof, unless the performance of any licensed
3 activities is in connection with the sale, purchase, lease,
4 or other disposition of real estate or investment therein
5 not needing the approval of the appropriate State
6 regulatory authority.

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

11 (10) Any resident lessee of a residential dwelling unit
12 who refers for compensation to the owner of the dwelling
13 unit, or to the owner's agent, prospective lessees of
14 dwelling units in the same building or complex as the
15 resident lessee's unit, but only if the resident lessee (i)
16 refers no more than 3 prospective lessees in any 12-month
17 period, (ii) receives compensation of no more than \$1,500
18 or the equivalent of one month's rent, whichever is less,
19 in any 12-month period, and (iii) limits his or her
20 activities to referring prospective lessees to the owner,
21 or the owner's agent, and does not show a residential
22 dwelling unit to a prospective lessee, discuss terms or
23 conditions of leasing a dwelling unit with a prospective
24 lessee, or otherwise participate in the negotiation of the
25 leasing of a dwelling unit.

26 (11) The purchase, sale, or transfer of a timeshare or

1 similar vacation item or interest, vacation club
2 membership, or other activity formerly regulated under the
3 Real Estate Timeshare Act of 1999 (repealed).

4 (12) (Blank).

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

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

12 (B) that person verifies to the Department that he
13 or she has sold real estate at auction for a period of
14 5 years prior to licensure as an auctioneer;

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

17 (D) the license issued under the Auction License
18 Act has not been disciplined for violation of those
19 provisions of Article 20 of the Auction License Act
20 dealing with or related to the sale or lease of real
21 estate at auction.

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

26 (15) A hotel operator who is registered with the

1 Illinois Department of Revenue and pays taxes under the
2 Hotel Operators' Occupation Tax Act and rents a room or
3 rooms in a hotel as defined in the Hotel Operators'
4 Occupation Tax Act for a period of not more than 30
5 consecutive days and not more than 60 days in a calendar
6 year.

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

8 (225 ILCS 454/5-45)

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

10 Sec. 5-45. Offices.

11 (a) If a sponsoring broker maintains more than one office
12 within the State, the sponsoring broker shall notify the
13 Department on forms prescribed by the Department ~~apply for a~~
14 ~~branch office license~~ for each office other than the sponsoring
15 broker's principal place of business. The brokerage ~~branch~~
16 ~~office~~ license shall be displayed conspicuously in each branch
17 office. The name of each branch office shall be the same as
18 that of the sponsoring broker's principal office or shall
19 clearly delineate the branch office's relationship with the
20 principal office.

21 (b) The sponsoring broker shall name a managing broker for
22 each branch office and the sponsoring broker shall be
23 responsible for supervising all managing brokers. The
24 sponsoring broker shall notify the Department in writing of the
25 name of all managing brokers of the sponsoring broker and the

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

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

14 (d) Except as provided in this Section, each sponsoring
15 broker shall maintain a definite office, or place of business
16 within this State for the transaction of real estate business,
17 shall conspicuously display an identification sign on the
18 outside of his or her office of adequate size and visibility.
19 The office or place of business shall not be located in any
20 retail or financial business establishment unless it is
21 separated from the other business by a separate and distinct
22 area within the establishment. A broker who is licensed in this
23 State by examination or pursuant to the provisions of Section
24 5-60 of this Act shall not be required to maintain a definite
25 office or place of business in this State provided all of the
26 following conditions are met:

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

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

5 (3) the broker has filed with the Department written
6 statements appointing the Secretary to act as the broker's
7 agent upon whom all judicial and other process or legal
8 notices directed to the licensee may be served and agreeing
9 to abide by all of the provisions of this Act with respect
10 to his or her real estate activities within the State of
11 Illinois and submitting to the jurisdiction of the
12 Department.

13 The statements under subdivision (3) of this Section shall
14 be in form and substance the same as those statements required
15 under Section 5-60 of this Act and shall operate to the same
16 extent.

17 (e) Upon the loss of a managing broker who is not replaced
18 by the sponsoring broker or in the event of the death or
19 adjudicated disability of the sole proprietor of an office, a
20 written request for authorization allowing the continued
21 operation of the office may be submitted to the Department
22 within 15 days of the loss. The Department may issue a written
23 authorization allowing the continued operation, provided that
24 a licensed broker, or in the case of the death or adjudicated
25 disability of a sole proprietor, the representative of the
26 estate, assumes responsibility, in writing, for the operation

1 of the office and agrees to personally supervise the operation
2 of the office. No such written authorization shall be valid for
3 more than 60 days unless extended by the Department for good
4 cause shown and upon written request by the broker or
5 representative.

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

7 (225 ILCS 454/10-15)

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

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

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

14 (b) No action or suit shall be instituted, nor recovery
15 therein be had, in any court of this State by any person,
16 ~~partnership, registered limited liability partnership, limited~~
17 ~~liability company, or corporation~~ for compensation for any act
18 done or service performed, the doing or performing of which is
19 prohibited by this Act to other than licensed managing brokers,
20 brokers, or leasing agents unless the person, ~~partnership,~~
21 ~~registered limited liability partnership, limited liability~~
22 ~~company, or corporation~~ was duly licensed hereunder as a
23 managing broker, broker, or leasing agent under this Act at the
24 time that any such act was done or service performed that would
25 give rise to a cause of action for compensation.

1 (c) A licensee may offer compensation, including prizes,
2 merchandise, services, rebates, discounts, or other
3 consideration to an unlicensed person who is a party to a
4 contract to buy or sell real estate or is a party to a contract
5 for the lease of real estate, so long as the offer complies
6 with the provisions of subdivision (35) of subsection (a) of
7 Section 20-20 of this Act.

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

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

17 (225 ILCS 454/10-20)

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

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

20 (a) A licensee may perform activities as a licensee only
21 for his or her sponsoring broker. A licensee must have only one
22 sponsoring broker at any one time.

23 (b) Every broker who employs licensees or has an
24 independent contractor relationship with a licensee shall have
25 a written employment agreement with each such licensee. The

1 broker having this written employment agreement with the
2 licensee must be that licensee's sponsoring broker.

3 (c) Every sponsoring broker must have a written employment
4 agreement with each licensee the broker sponsors. The agreement
5 shall address the employment or independent contractor
6 relationship terms, including without limitation supervision,
7 duties, compensation, and termination.

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

16 (e) Notwithstanding the fact that a sponsoring broker has
17 an employment agreement with a licensee, a sponsoring broker
18 may pay compensation directly to a business entity ~~corporation~~
19 solely owned by that licensee that has been formed for the
20 purpose of receiving compensation earned by the licensee. A
21 business entity ~~corporation~~ formed for the purpose ~~herein~~
22 stated in this subsection (e) shall not be required to be
23 licensed under this Act so long as the person that ~~who~~ is the
24 sole owner ~~shareholder~~ of the business entity ~~corporation~~ is
25 licensed.

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

1 (225 ILCS 454/20-20)

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

3 Sec. 20-20. Grounds for discipline.

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

13 (1) Fraud or misrepresentation in applying for, or
14 procuring, a license under this Act or in connection with
15 applying for renewal of a license under this Act.

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

1 (3) Inability to practice the profession with
2 reasonable judgment, skill, or safety as a result of a
3 physical illness, including, but not limited to,
4 deterioration through the aging process or loss of motor
5 skill, or a mental illness or disability.

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

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

18 (6) Engaging in the practice of real estate brokerage
19 without a license or after the licensee's license or
20 temporary permit was expired or while the license was
21 inoperative.

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

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

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

3 (10) Making any substantial misrepresentation or
4 untruthful advertising.

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

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

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

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

16 (15) Representing or attempting to represent a broker
17 other than the sponsoring broker.

18 (16) Failure to account for or to remit any moneys or
19 documents coming into his or her possession that belong to
20 others.

21 (17) Failure to maintain and deposit in a special
22 account, separate and apart from personal and other
23 business accounts, all escrow moneys belonging to others
24 entrusted to a licensee while acting as a broker, escrow
25 agent, or temporary custodian of the funds of others or
26 failure to maintain all escrow moneys on deposit in the

1 account until the transactions are consummated or
2 terminated, except to the extent that the moneys, or any
3 part thereof, shall be:

4 (A) disbursed prior to the consummation or
5 termination (i) in accordance with the written
6 direction of the principals to the transaction or their
7 duly authorized agents, (ii) in accordance with
8 directions providing for the release, payment, or
9 distribution of escrow moneys contained in any written
10 contract signed by the principalsto the transaction or
11 their duly authorized agents, or (iii) pursuant to an
12 order of a court of competent jurisdiction; or

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

24 The account shall be noninterest bearing, unless the
25 character of the deposit is such that payment of interest
26 thereon is otherwise required by law or unless the

1 principals to the transaction specifically require, in
2 writing, that the deposit be placed in an interest bearing
3 account.

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

8 (19) Failing to furnish copies upon request of
9 documents relating to a real estate transaction to a party
10 who has executed that document.

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

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

17 (22) Commingling the money or property of others with
18 his or her own money or property.

19 (23) Employing any person on a purely temporary or
20 single deal basis as a means of evading the law regarding
21 payment of commission to nonlicensees on some contemplated
22 transactions.

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

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

4 (26) Displaying a "for rent" or "for sale" sign on any
5 property without the written consent of an owner or his or
6 her duly authorized agent or advertising by any means that
7 any property is for sale or for rent without the written
8 consent of the owner or his or her authorized agent.

9 (27) Failing to provide information requested by the
10 Department, or otherwise respond to that request, within 30
11 days of the request.

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

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

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

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

4 (C) A licensee offering a guaranteed sales plan
5 shall provide to the party to whom the plan is offered
6 evidence of sufficient financial resources to satisfy
7 the commitment to purchase undertaken by the broker in
8 the plan.

9 (D) Any licensee offering a guaranteed sales plan
10 shall undertake to market the property of the seller
11 subject to the plan in the same manner in which the
12 broker would market any other property, unless the
13 agreement with the seller provides otherwise.

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

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

23 (30) Influencing or attempting to influence, by any
24 words or acts, a prospective seller, purchaser, occupant,
25 landlord, or tenant of real estate, in connection with
26 viewing, buying, or leasing real estate, so as to promote

1 or tend to promote the continuance or maintenance of
2 racially and religiously segregated housing or so as to
3 retard, obstruct, or discourage racially integrated
4 housing on or in any street, block, neighborhood, or
5 community.

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

10 (32) Inducing any party to a contract of sale or lease
11 or brokerage agreement to break the contract of sale or
12 lease or brokerage agreement for the purpose of
13 substituting, in lieu thereof, a new contract for sale or
14 lease or brokerage agreement with a third party.

15 (33) Negotiating a sale, exchange, or lease of real
16 estate directly with any person if the licensee knows that
17 the person has an exclusive brokerage agreement with
18 another broker, unless specifically authorized by that
19 broker.

20 (34) When a licensee is also an attorney, acting as the
21 attorney for either the buyer or the seller in the same
22 transaction in which the licensee is acting or has acted as
23 a managing broker or broker.

24 (35) Advertising or offering merchandise or services
25 as free if any conditions or obligations necessary for
26 receiving the merchandise or services are not disclosed in

1 the same advertisement or offer. These conditions or
2 obligations include without limitation the requirement
3 that the recipient attend a promotional activity or visit a
4 real estate site. As used in this subdivision (35), "free"
5 includes terms such as "award", "prize", "no charge", "free
6 of charge", "without charge", and similar words or phrases
7 that reasonably lead a person to believe that he or she may
8 receive or has been selected to receive something of value,
9 without any conditions or obligations on the part of the
10 recipient.

11 (36) (Blank).

12 (37) Violating the terms of a disciplinary order issued
13 by the Department.

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

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

21 (40) Disregarding or violating any provision of this
22 Act or the published rules adopted ~~promulgated~~ by the
23 Department to enforce this Act or aiding or abetting any
24 individual, foreign or domestic partnership, registered
25 limited liability partnership, limited liability company,
26 ~~or~~ corporation, or other business entity in disregarding

1 any provision of this Act or the published rules adopted
2 ~~promulgated~~ by the Department to enforce this Act.

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

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

11 (43) Enabling, aiding, or abetting an auctioneer, as
12 defined in the Auction License Act, to conduct a real
13 estate auction in a manner that is in violation of this
14 Act.

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

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. 99-227, eff. 8-3-15; 100-22, eff. 1-1-18;
18 100-188, eff. 1-1-18; 100-534, eff. 9-22-17; revised 10-2-17.)

19 (225 ILCS 454/30-5)

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

21 Sec. 30-5. Licensing of real estate education providers~~7~~
22 ~~education provider branches~~, and instructors.

23 (a) No person shall operate an education provider entity
24 without possessing a valid and active license issued by the
25 Department. Only education providers in possession of a valid

1 education provider license may provide real estate
2 pre-license, post-license, or continuing education courses
3 that satisfy the requirements of this Act. Every person that
4 desires to obtain an education provider license shall make
5 application to the Department in writing on forms prescribed by
6 the Department and pay the fee prescribed by rule. In addition
7 to any other information required to be contained in the
8 application as prescribed by rule, every application for an
9 original or renewed license shall include the applicant's
10 Social Security number or tax identification number.

11 (b) (Blank).

12 (c) (Blank).

13 (d) (Blank).

14 (e) (Blank).

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

17 (1) a sound financial base for establishing,
18 promoting, and delivering the necessary courses; budget
19 planning for the school's courses should be clearly
20 projected;

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

23 (3) adequate support personnel to assist with
24 administrative matters and technical assistance;

25 (4) maintenance and availability of records of
26 participation for licensees;

1 (5) the ability to provide each participant who
2 successfully completes an approved program with a
3 certificate of completion signed by the administrator of a
4 licensed education provider on forms provided by the
5 Department;

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

8 (7) lesson plans and examinations, if applicable, for
9 each course;

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

13 (9) the ability to identify and use instructors who
14 will teach in a planned program; instructor selections must
15 demonstrate:

16 (A) appropriate credentials;

17 (B) competence as a teacher;

18 (C) knowledge of content area; and

19 (D) qualification by experience.

20 Unless otherwise provided for in this Section, the
21 education provider shall provide a proctor or an electronic
22 means of proctoring for each examination; the education
23 provider shall be responsible for the conduct of the proctor;
24 the duties and responsibilities of a proctor shall be
25 established by rule.

26 Unless otherwise provided for in this Section, the

1 education provider must provide for closed book examinations
2 for each course unless the Department, upon the recommendation
3 of the Board, excuses this requirement based on the complexity
4 of the course material.

5 (g) Advertising and promotion of education activities must
6 be carried out in a responsible fashion clearly showing the
7 educational objectives of the activity, the nature of the
8 audience that may benefit from the activity, the cost of the
9 activity to the participant and the items covered by the cost,
10 the amount of credit that can be earned, and the credentials of
11 the faculty.

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

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

23 (j) The Department may adopt any administrative rule
24 consistent with the language and intent of this Act that may be
25 necessary for the implementation and enforcement of this
26 Section.

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

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

4 (225 ILCS 458/5-45)

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

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

7 (a) The continuing education requirements for a person to
8 renew a license as a State certified general real estate
9 appraiser or a State certified residential real estate
10 appraiser shall be established by rule.

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

14 (c) Notwithstanding any other provision of this Act to the
15 contrary, the Department shall establish a continuing
16 education completion deadline for appraisal licensees and
17 require evidence of compliance with the continuing education
18 requirements before the renewal of a license.

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

20 (225 ILCS 458/15-15)

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

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

23 (a) Upon the motion of the Department or the Board or upon

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

13 (b) Formal disciplinary proceedings shall commence upon
14 the issuance of a written complaint describing the charges that
15 are the basis of the disciplinary action and delivery of the
16 detailed complaint to the address of record of the licensee or
17 applicant. The Department shall notify the licensee or
18 applicant to file a verified written answer within 20 days
19 after the service of the notice and complaint. The notification
20 shall inform the licensee or applicant of his or her right to
21 be heard in person or by legal counsel; that the hearing will
22 be afforded not sooner than 30 days after service of the
23 complaint; that failure to file an answer will result in a
24 default being entered against the licensee or applicant; that
25 the license may be suspended, revoked, or placed on
26 probationary status; and that other disciplinary action may be

1 taken pursuant to this Act, including limiting the scope,
2 nature, or extent of the licensee's practice. If the licensee
3 or applicant fails to file an answer after service of notice,
4 his or her license may, at the discretion of the Department, be
5 suspended, revoked, or placed on probationary status and the
6 Department may take whatever disciplinary action it deems
7 proper, including limiting the scope, nature, or extent of the
8 person's practice, without a hearing.

9 (c) At the time and place fixed in the notice, the Board
10 shall conduct hearing of the charges, providing both the
11 accused person and the complainant ample opportunity to present
12 in person or by counsel such statements, testimony, evidence,
13 and argument as may be pertinent to the charges or to a defense
14 thereto.

15 (d) The Board shall present to the Secretary a written
16 report of its findings and recommendations. A copy of the
17 report shall be served upon the licensee or applicant, either
18 personally or by certified mail. Within 20 days after the
19 service, the licensee or applicant may present the Secretary
20 with a motion in writing for either a rehearing, a proposed
21 finding of fact, a conclusion of law, or an alternative
22 sanction, and shall specify the particular grounds for the
23 request. If the accused orders a transcript of the record as
24 provided in this Act, the time elapsing thereafter and before
25 the transcript is ready for delivery to the accused shall not
26 be counted as part of the 20 days. If the Secretary is not

1 satisfied that substantial justice has been done, the Secretary
2 may order a rehearing by the Board or other special committee
3 appointed by the Secretary, may remand the matter to the Board
4 for its reconsideration of the matter based on the pleadings
5 and evidence presented to the Board, or may enter a final order
6 in contravention of the Board's recommendation. ~~In all~~
7 ~~instances under this Act in which the Board has rendered a~~
8 ~~recommendation to the Secretary with respect to a particular~~
9 ~~licensee or applicant, the Secretary, if he or she disagrees~~
10 ~~with the recommendation of the Board, shall file with the Board~~
11 ~~and provide to the licensee or applicant a copy of the~~
12 ~~Secretary's specific written reasons for disagreement with the~~
13 ~~Board. The reasons shall be filed within 60 days of the Board's~~
14 ~~recommendation to the Secretary and prior to any contrary~~
15 ~~action.~~ Notwithstanding a licensee's or applicant's failure to
16 file a motion for rehearing, the Secretary shall have the right
17 to take any of the actions specified in this subsection (d).
18 Upon the suspension or revocation of a license, the licensee
19 shall be required to surrender his or her license to the
20 Department, and upon failure or refusal to do so, the
21 Department shall have the right to seize the license.

22 (e) The Department has the power to issue subpoenas and
23 subpoenas duces tecum to bring before it any person in this
24 State, to take testimony, or to require production of any
25 records relevant to an inquiry or hearing by the Board in the
26 same manner as prescribed by law in judicial proceedings in the

1 courts of this State. In a case of refusal of a witness to
2 attend, testify, or to produce books or papers concerning a
3 matter upon which he or she might be lawfully examined, the
4 circuit court of the county where the hearing is held, upon
5 application of the Department or any party to the proceeding,
6 may compel obedience by proceedings as for contempt.

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

10 (g) In addition to the provisions of this Section
11 concerning the conduct of hearings and the recommendations for
12 discipline, the Department has the authority to negotiate
13 disciplinary and non-disciplinary settlement agreements
14 concerning any license issued under this Act. All such
15 agreements shall be recorded as Consent Orders or Consent to
16 Administrative Supervision Orders.

17 (h) The Secretary shall have the authority to appoint an
18 attorney duly licensed to practice law in the State of Illinois
19 to serve as the hearing officer in any action to suspend,
20 revoke, or otherwise discipline any license issued by the
21 Department. The Hearing Officer shall have full authority to
22 conduct the hearing.

23 (i) The Department, at its expense, shall preserve a record
24 of all formal hearings of any contested case involving the
25 discipline of a license. At all hearings or pre-hearing
26 conferences, the Department and the licensee shall be entitled

1 to have the proceedings transcribed by a certified shorthand
2 reporter. A copy of the transcribed proceedings shall be made
3 available to the licensee by the certified shorthand reporter
4 upon payment of the prevailing contract copy rate.

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

6 Section 99. Effective date. This Act takes effect January
7 1, 2019.