



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2901

Introduced 2/4/2020, by Sen. Emil Jones, III

SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.557
225 ILCS 454/1-10
225 ILCS 454/5-10
225 ILCS 454/5-50
225 ILCS 454/5-70
225 ILCS 454/15-35
225 ILCS 454/15-45
225 ILCS 454/20-20
225 ILCS 454/20-20.1
225 ILCS 454/20-110
225 ILCS 454/25-10
225 ILCS 454/25-38 new
225 ILCS 454/30-15
225 ILCS 454/30-25
225 ILCS 454/25-21 rep.
225 ILCS 456/Act rep.

Amends the Real Estate License Act of 2000. Makes changes in provisions concerning definitions; the expiration and renewal of a managing broker, broker, or residential leasing agent license; continuing education requirements; sponsoring brokers; agency relationship disclosure; dual agency; grounds for discipline; citations; licensing of education providers; approval of courses; and the Real Estate Administration and Disciplinary Board. Provides that on January 1, 2021, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Real Estate Audit Fund into the Real Estate License Administration Fund. Amends the State Finance Act to repeal provisions creating the Real Estate Audit Fund as a special fund in the State Treasury. Repeals the Real Estate Regulation Transfer Act. Effective immediately.

LRB101 16232 SPS 65605 b

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 State Finance Act is amended by changing
5 Section 5.557 as follows:

6 (30 ILCS 105/5.557)

7 Sec. 5.557. The Real Estate Audit Fund. This Section is
8 repealed on July 1, 2021.

9 (Source: P.A. 92-217, eff. 8-2-01; 92-651, eff. 7-11-02.)

10 Section 10. The Real Estate License Act of 2000 is amended
11 by changing Sections 1-10, 5-10, 5-50, 5-70, 15-35, 15-45
12 20-20, 20-20.1, 20-110, 25-10, 30-15, and 30-25 and by adding
13 Section 25-38 as follows:

14 (225 ILCS 454/1-10)

15 (Section scheduled to be repealed on January 1, 2030)

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

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

19 "Address of record" means the designated address recorded
20 by the Department in the applicant's or licensee's application
21 file or license file as maintained by the Department.

1 "Agency" means a relationship in which a broker or
2 licensee, whether directly or through an affiliated licensee,
3 represents a consumer by the consumer's consent, whether
4 express or implied, in a real property transaction.

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

8 "Blind advertisement" means any real estate advertisement
9 that is used by a licensee regarding the sale or lease of real
10 estate, licensed activities, or the hiring of any licensee
11 under this Act that does not include the sponsoring broker's
12 complete business name or, in the case of electronic
13 advertisements, does not provide a direct link to a display
14 with all the required disclosures. The broker's business name
15 in the case of a franchise shall include the franchise
16 affiliation as well as the name of the individual firm.

17 "Board" means the Real Estate Administration and
18 Disciplinary Board of the Department as created by Section
19 25-10 of this Act.

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

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

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

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

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

10 (5) Whether for another or themselves, engages in a
11 pattern of business of buying, selling, offering to buy or
12 sell, marketing for sale, exchanging, or otherwise dealing
13 in contracts, including assignable contracts for the
14 purchase or sale of, or options on real estate or
15 improvements thereon. For purposes of this definition, an
16 individual or entity will be found to have engaged in a
17 pattern of business if the individual or entity by itself
18 or with any combination of other individuals or entities,
19 whether as partners or common owners in another entity, has
20 engaged in one or more of these practices on 2 or more
21 occasions in any 12-month period.

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

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

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

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

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

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

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

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

23 "Broker price opinion" means an estimate or analysis of the
24 probable selling price of a particular interest in real estate,
25 which may provide a varying level of detail about the
26 property's condition, market, and neighborhood and information

1 on comparable sales. The activities of a real estate broker or
2 managing broker engaging in the ordinary course of business as
3 a broker, as defined in this Section, shall not be considered a
4 broker price opinion if no compensation is paid to the broker
5 or managing broker, other than compensation based upon the sale
6 or rental of real estate. A broker price opinion shall not be
7 considered an appraisal within the meaning of the Real Estate
8 Appraiser Licensing Act of 2002, any amendment to that Act, or
9 any successor Act.

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

12 "Comparative market analysis" means 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. A comparative market
25 analysis shall not be considered an appraisal within the
26 meaning of the Real Estate Appraiser Licensing Act of 2002, any

1 amendment to that Act, or any successor Act.

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

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

22 "Confidential information" means information obtained by a
23 licensee from a client during the term of a brokerage agreement
24 that (i) was made confidential by the written request or
25 written instruction of the client, (ii) deals with the
26 negotiating position of the client, or (iii) is information the

1 disclosure of which could materially harm the negotiating
2 position of the client, unless at any time:

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

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

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

8 "Confidential information" shall not be considered to
9 include material information about the physical condition of
10 the property.

11 "Consumer" means a person or entity seeking or receiving
12 licensed activities.

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

15 "Credit hour" means 50 minutes of instruction in course
16 work that meets the requirements set forth in rules adopted by
17 the Department.

18 "Customer" means a consumer who is not being represented by
19 the licensee.

20 "Department" means the Department of Financial and
21 Professional Regulation.

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

26 "Designated agent" means a sponsored licensee named by a

1 sponsoring broker as the legal agent of a client, as provided
2 for in Section 15-50 of this Act.

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

8 "Director" means the Director of Real Estate within the
9 Department of Financial and Professional Regulation.

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

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

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

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

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

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

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

1 otherwise rendered invalid under this Act. The license of any
2 business entity that is not in good standing with the Illinois
3 Secretary of State, or is not authorized to conduct business in
4 Illinois, shall immediately become inactive and that entity
5 shall be prohibited from engaging in any licensed activities.

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

8 "License" means the privilege conferred by the Department
9 to a person that has fulfilled all requirements prerequisite to
10 any type of licensure under this Act.

11 "Licensed activities" means those activities listed in the
12 definition of "broker" under this Section.

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

16 "Listing presentation" means any communication, written or
17 oral and by any means or media, between a managing broker or
18 broker and a consumer in which the licensee is attempting to
19 secure a brokerage agreement with the consumer to market the
20 consumer's real estate for sale or lease.

21 "Managing broker" means a licensee who may be authorized to
22 assume responsibilities as a designated managing broker for
23 licensees in one or, in the case of a multi-office company,
24 more than one office, upon appointment by the sponsoring broker
25 and registration with the Department. A managing broker may act
26 as his or her own sponsor.

1 "Medium of advertising" means any method of communication
2 intended to influence the general public to use or purchase a
3 particular good or service or real estate, including, but not
4 limited to, print, electronic, social media, and digital
5 forums.

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

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

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

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

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

3 "Regular employee" means a person working an average of 20
4 hours per week for a person or entity who would be considered
5 as an employee under the Internal Revenue Service rules for
6 classifying workers.

7 "Renewal period" means the period beginning 90 days prior
8 to the expiration date of a license.

9 "Residential leasing agent" means a person who is employed
10 by a broker to engage in licensed activities limited to leasing
11 residential real estate who has obtained a license as provided
12 for in Section 5-5 of this Act.

13 "Secretary" means the Secretary of the Department of
14 Financial and Professional Regulation, or a person authorized
15 by the Secretary to act in the Secretary's stead.

16 "Sponsoring broker" means the broker who certifies to the
17 Department his, her, or its sponsorship of a licensed managing
18 broker, broker, or a residential leasing agent.

19 "Sponsorship" means that a sponsoring broker has certified
20 to the Department that a managing broker, broker, or
21 residential leasing agent ~~named thereon~~ is employed by or
22 associated by written agreement with the sponsoring broker and
23 the Department has registered the sponsorship, as provided for
24 in Section 5-40 of this Act.

25 "Team" means any 2 or more licensees who work together to
26 provide real estate brokerage services, represent themselves

1 to the public as being part of a team or group, are identified
2 by a team name that is different than their sponsoring broker's
3 name, and together are supervised by the same managing broker
4 and sponsored by the same sponsoring broker. "Team" does not
5 mean a separately organized, incorporated, or legal entity.

6 (Source: P.A. 100-188, eff. 1-1-18; 100-534, eff. 9-22-17;
7 100-831, eff. 1-1-19; 100-863, eff. 8-14-18; 101-357, eff.
8 8-9-19.)

9 (225 ILCS 454/5-10)

10 (Section scheduled to be repealed on January 1, 2030)

11 Sec. 5-10. Requirements for license as a residential
12 leasing agent; continuing education.

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

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

16 (2) be of good moral character;

17 (3) successfully complete a 4-year course of study in a
18 high school or secondary school or an equivalent course of
19 study approved by the state in which the school is located,
20 or possess a high school equivalency certificate, which
21 shall be verified under oath by the applicant;

22 (4) personally take and pass a written examination
23 authorized by the Department sufficient to demonstrate the
24 applicant's knowledge of the provisions of this Act
25 relating to residential leasing agents and the applicant's

1 competence to engage in the activities of a licensed
2 residential leasing agent;

3 (5) provide satisfactory evidence of having completed
4 15 hours of instruction in an approved course of study
5 relating to the leasing of residential real property. The
6 Board may recommend to the Department the number of hours
7 each topic of study shall require. The course of study
8 shall, among other topics, cover the provisions of this Act
9 applicable to residential leasing agents; fair housing and
10 human rights issues relating to residential leasing;
11 advertising and marketing issues; leases, applications,
12 and credit and criminal background reports; owner-tenant
13 relationships and owner-tenant laws; the handling of
14 funds; and environmental issues relating to residential
15 real property;

16 (6) complete any other requirements as set forth by
17 rule; and

18 (7) present a valid application for issuance of an
19 initial license accompanied by fees specified by rule.

20 (b) No applicant shall engage in any of the activities
21 covered by this Act without a valid license and until a valid
22 sponsorship has been registered with the Department.

23 (c) Successfully completed course work, completed pursuant
24 to the requirements of this Section, may be applied to the
25 course work requirements to obtain a managing broker's or
26 broker's license as provided by rule. The Board may recommend

1 to the Department and the Department may adopt requirements for
2 approved courses, course content, and the approval of courses,
3 instructors, and education providers, as well as education
4 provider and instructor fees. The Department may establish
5 continuing education requirements for residential licensed
6 leasing agents, by rule, consistent with the language and
7 intent of this Act, with the advice of the Board.

8 (d) The continuing education requirement for residential
9 leasing agents shall consist of a single core curriculum to be
10 prescribed by the Department as recommended by the Board.
11 Leasing agents shall be required to complete no less than 8
12 hours of continuing education in the core curriculum during the
13 term of the license ~~for each 2-year renewal period~~. The
14 curriculum shall, at a minimum, consist of a single course or
15 courses on the subjects of fair housing and human rights issues
16 related to residential leasing, advertising and marketing
17 issues, leases, applications, credit reports, and criminal
18 history, the handling of funds, owner-tenant relationships and
19 owner-tenant laws, and environmental issues relating to
20 residential real estate.

21 (Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

22 (225 ILCS 454/5-50)

23 (Section scheduled to be repealed on January 1, 2030)

24 Sec. 5-50. Expiration and renewal of managing broker,
25 broker, or residential leasing agent license; sponsoring

1 broker; register of licensees.

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

8 (b) An individual whose first license is that of a broker
9 received on or after the effective date of this amendatory Act
10 of the 101st General Assembly, must provide evidence of having
11 completed 45 hours of post-license education presented in a
12 classroom or a live, interactive webinar, or online distance
13 education course, and which shall require passage of a final
14 examination.

15 The Board may recommend, and the Department shall approve,
16 45 hours of post-license education, consisting of three 15-hour
17 post-license courses, one each that covers applied brokerage
18 principles, risk management/discipline, and transactional
19 issues. Each of the courses shall require its own 50-question
20 final examination, which shall be administered by the education
21 provider that delivers the course.

22 Individuals whose first license is that of a broker
23 received on or after the effective date of this amendatory Act
24 of the 101st General Assembly, must complete all three 15-hour
25 courses and successfully pass a course final examination for
26 each course prior to the date of the next broker renewal

1 deadline, except for those individuals who receive their first
2 license within the 180 days preceding the next broker renewal
3 deadline, who must complete all three 15-hour courses and
4 successfully pass a course final examination for each course
5 prior to the second broker renewal deadline that follows the
6 receipt of their license.

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

25 (d) Notwithstanding any other provisions of this Act to the
26 contrary, any managing broker, broker, or residential leasing

1 agent whose license expired while he or she was (i) on active
2 duty with the Armed Forces of the United States or called into
3 service or training by the state militia, (ii) engaged in
4 training or education under the supervision of the United
5 States preliminary to induction into military service, or (iii)
6 serving as the Coordinator of Real Estate in the State of
7 Illinois or as an employee of the Department may have his or
8 her license renewed, reinstated or restored without paying any
9 lapsed renewal fees if within 2 years after the termination of
10 the service, training or education by furnishing the Department
11 with satisfactory evidence of service, training, or education
12 and it has been terminated under honorable conditions.

13 (e) Each licensee shall carry on his or her person his or
14 her license or an electronic version thereof.

15 (f) The Department shall provide to the sponsoring broker a
16 notice of renewal for all sponsored licensees by mailing the
17 notice to the sponsoring broker's address of record, or, at the
18 Department's discretion, emailing the notice to the sponsoring
19 broker's email address of record.

20 (g) Upon request from the sponsoring broker, the Department
21 shall make available to the sponsoring broker, by electronic
22 means at the discretion of the Department, a listing of
23 licensees under this Act who, according to the records of the
24 Department, are sponsored by that broker. Every licensee
25 associated with or employed by a broker whose license is
26 revoked, suspended, or expired shall be considered inactive

1 until such time as the sponsoring broker's license is
2 reinstated or renewed, or a new valid sponsorship is registered
3 with the Department ~~the licensee changes employment~~ as set
4 forth in subsection (b) ~~(e)~~ of Section 5-40 of this Act.

5 (h) The Department shall not renew a license if the
6 licensee has an unpaid fine from a disciplinary matter or an
7 unpaid fee from a non-disciplinary action imposed by the
8 Department until the fine or fee is paid to the Department or
9 the licensee has entered into a payment plan and is current on
10 the required payments.

11 (i) The Department shall not issue a license if the
12 applicant has an unpaid fine imposed by the Department for
13 unlicensed practice until the fine is paid to the Department or
14 the applicant has entered into a payment plan and is current on
15 the required payments.

16 (Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

17 (225 ILCS 454/5-70)

18 (Section scheduled to be repealed on January 1, 2030)

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

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

23 (b) Except as otherwise provided in this Section, each
24 person who applies for renewal of his or her license as a
25 managing broker or broker must successfully complete 12 hours

1 of real estate continuing education courses recommended by the
2 Board and approved by the Department during the current term of
3 the license. In addition, those licensees renewing or obtaining
4 a managing broker's license must successfully complete a
5 12-hour broker management continuing education course approved
6 by the Department during the current term of the license. The
7 broker management continuing education course must be
8 completed in the classroom or through a live, interactive
9 webinar or online distance education format. No license may be
10 renewed except upon the successful completion of the required
11 courses or their equivalent or upon a waiver of those
12 requirements for good cause shown as determined by the
13 Secretary upon the recommendation of the Board. The
14 requirements of this Article are applicable to all managing
15 brokers and brokers except those managing brokers and brokers
16 who, during the term of the license ~~renewal period~~:

17 (1) serve in the armed services of the United States;

18 (2) serve as an elected State or federal official;

19 (3) serve as a full-time employee of the Department; or

20 (4) are admitted to practice law pursuant to Illinois

21 Supreme Court rule.

22 (c) (Blank).

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

1 (e) The continuing education requirement for brokers and
2 managing brokers shall consist of a single core curriculum and
3 an elective curriculum, to be recommended by the Board and
4 approved by the Department in accordance with this subsection.
5 The core curriculum shall not be further divided into
6 subcategories or divisions of instruction. The core curriculum
7 shall consist of 4 hours during the current term of the license
8 on subjects that may include, but are not limited to,
9 advertising, agency, disclosures, escrow, fair housing,
10 residential leasing agent management, and license law. The
11 amount of time allotted to each of these subjects shall be
12 recommended by the Board and determined by the Department. The
13 Department, upon the recommendation of the Board, shall review
14 the core curriculum every 4 years, at a minimum, and shall
15 revise the curriculum if necessary. However, the core
16 curriculum's total hourly requirement shall only be subject to
17 change by amendment of this subsection, and any change to the
18 core curriculum shall not be effective for a period of 6 months
19 after such change is made by the Department. The Department
20 shall provide notice to all approved education providers of any
21 changes to the core curriculum. When determining whether
22 revisions of the core curriculum's subjects or specific time
23 requirements are necessary, the Board shall consider recent
24 changes in applicable laws, new laws, and areas of the license
25 law and the Department policy that the Board deems appropriate,
26 and any other subject areas the Board deems timely and

1 applicable in order to prevent violations of this Act and to
2 protect the public. In establishing a recommendation to the
3 Department regarding the elective curriculum, the Board shall
4 consider subjects that cover the various aspects of the
5 practice of real estate that are covered under the scope of
6 this Act.

7 (f) The subject areas of continuing education courses
8 recommended by the Board and approved by the Department shall
9 be meant to protect the professionalism of the industry, the
10 consumer, and the public and prevent violations of this Act and
11 may include without limitation the following:

- 12 (1) license law and escrow;
- 13 (2) antitrust;
- 14 (3) fair housing;
- 15 (4) agency;
- 16 (5) appraisal;
- 17 (6) property management;
- 18 (7) residential brokerage;
- 19 (8) farm property management;
- 20 (9) transaction management rights and duties of
21 parties in a transaction;
- 22 (10) commercial brokerage and leasing;
- 23 (11) real estate financing;
- 24 (12) disclosures;
- 25 (13) residential leasing agent management;
- 26 (14) advertising;

1 (15) broker supervision and managing designated broker
2 responsibility;

3 (16) professional conduct; and

4 (17) use of technology.

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

11 (h) Credit hours may be earned for self-study programs
12 approved by the Department.

13 (i) A managing broker or broker may earn credit for a
14 specific continuing education course only once during the
15 current term of the license.

16 (j) No more than 12 hours of continuing education credit
17 may be taken in one calendar day.

18 (k) To promote the offering of a uniform and consistent
19 course content, the Department may provide for the development
20 of a single broker management course to be offered by all
21 education providers who choose to offer the broker management
22 continuing education course. The Department may contract for
23 the development of the 12-hour broker management continuing
24 education course with an outside vendor or consultant and, if
25 the course is developed in this manner, the Department or the
26 outside consultant shall license the use of that course to all

1 approved education providers who wish to provide the course.

2 (1) Except as specifically provided in this Act, continuing
3 education credit hours may not be earned for completion of
4 pre-license or post-license courses. The courses comprising
5 the approved 45-hour post-license curriculum for broker
6 licensees shall satisfy the continuing education requirement
7 for the initial broker license term ~~period in which the courses~~
8 ~~are taken~~. The approved 45-hour managing broker pre-license
9 brokerage administration and management course shall satisfy
10 the 12-hour broker management continuing education requirement
11 for the initial managing broker license term ~~in which the~~
12 ~~course is taken~~.

13 (Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

14 (225 ILCS 454/15-35)

15 (Section scheduled to be repealed on January 1, 2030)

16 Sec. 15-35. Agency relationship disclosure.

17 (a) A licensee acting as a designated agent shall advise a
18 consumer in writing, no later than beginning to work as a
19 designated agent on behalf of the consumer, of the following:

20 (1) That a designated agency relationship exists,
21 unless there is written agreement between the sponsoring
22 broker and the consumer providing for a different agency
23 relationship; and

24 (2) The name or names of his or her designated agent or
25 agents on the written disclosure, which can be included in

1 a brokerage agreement or be a separate document, a copy of
2 which is retained by the sponsoring broker ~~real estate~~
3 ~~brokerage firm~~ for the licensee.

4 (b) The licensee representing the consumer shall discuss
5 with the consumer the sponsoring broker's compensation and
6 policy with regard to cooperating with brokers who represent
7 other parties in a transaction.

8 (c) A licensee shall disclose in writing to a customer that
9 the licensee is not acting as the agent of the customer at a
10 time intended to prevent disclosure of confidential
11 information from a customer to a licensee, but in no event
12 later than the preparation of an offer to purchase or lease
13 real property.

14 (Source: P.A. 101-357, eff. 8-9-19.)

15 (225 ILCS 454/15-45)

16 (Section scheduled to be repealed on January 1, 2030)

17 Sec. 15-45. Dual agency.

18 (a) An individual licensee may act as a dual agent or a
19 sponsoring broker may permit one or more of its sponsored
20 licensees to act as dual agents in the same transaction only
21 with the informed written consent of all clients. Informed
22 written consent shall be presumed to have been given by any
23 client who signs a document that includes the following:

24 "The undersigned (insert name(s)), ("Licensee"), may
25 undertake a dual representation (represent both the seller

1 or landlord and the buyer or tenant) for the sale or lease
2 of property. The undersigned acknowledge they were
3 informed of the possibility of this type of representation.
4 Before signing this document please read the following:
5 Representing more than one party to a transaction presents
6 a conflict of interest since both clients may rely upon
7 Licensee's advice and the client's respective interests
8 may be adverse to each other. Licensee will undertake this
9 representation only with the written consent of ALL clients
10 in the transaction. Any agreement between the clients as to
11 a final contract price and other terms is a result of
12 negotiations between the clients acting in their own best
13 interests and on their own behalf. You acknowledge that
14 Licensee has explained the implications of dual
15 representation, including the risks involved, and
16 understand that you have been advised to seek independent
17 advice from your advisors or attorneys before signing any
18 documents in this transaction.

19 WHAT A LICENSEE CAN DO FOR CLIENTS

20 WHEN ACTING AS A DUAL AGENT

- 21 1. Treat all clients honestly.
22 2. Provide information about the property to the buyer or
23 tenant.
24 3. Disclose all latent material defects in the property
25 that are known to the Licensee.
26 4. Disclose financial qualification of the buyer or tenant

- 1 to the seller or landlord.
- 2 5. Explain real estate terms.
- 3 6. Help the buyer or tenant to arrange for property
- 4 inspections.
- 5 7. Explain closing costs and procedures.
- 6 8. Help the buyer compare financing alternatives.
- 7 9. Provide information about comparable properties that
- 8 have sold so both clients may make educated decisions on
- 9 what price to accept or offer.

10 WHAT LICENSEE CANNOT DISCLOSE TO CLIENTS WHEN

11 ACTING AS A DUAL AGENT

- 12 1. Confidential information that Licensee may know about a
- 13 client, without that client's permission.
- 14 2. The price or terms the seller or landlord will take
- 15 other than the listing price without permission of the
- 16 seller or landlord.
- 17 3. The price or terms the buyer or tenant is willing to pay
- 18 without permission of the buyer or tenant.
- 19 4. A recommended or suggested price or terms the buyer or
- 20 tenant should offer.
- 21 5. A recommended or suggested price or terms the seller or
- 22 landlord should counter with or accept.

23 If either client is uncomfortable with this disclosure
24 and dual representation, please let Licensee know. You are
25 not required to sign this document unless you want to allow
26 Licensee to proceed as a Dual Agent in this transaction. By

1 signing below, you acknowledge that you have read and
2 understand this form and voluntarily consent to Licensee
3 acting as a Dual Agent (that is, to represent BOTH the
4 seller or landlord and the buyer or tenant) should that
5 become necessary."

6 (b) The dual agency disclosure form provided for in
7 subsection (a) of this Section must be presented by a licensee,
8 who offers dual representation, to the client at the time the
9 brokerage agreement is entered into and may be signed by the
10 client at that time or at any time before the licensee acts as
11 a dual agent as to the client.

12 (c) A licensee acting in a dual agency capacity in a
13 transaction must obtain a written confirmation from the
14 licensee's clients of their prior consent for the licensee to
15 act as a dual agent in the transaction. This confirmation
16 should be obtained at the time the clients are executing any
17 offer or contract to purchase or lease in a transaction in
18 which the licensee is acting as a dual agent. This confirmation
19 may be included in another document, such as a contract to
20 purchase, in which case the client must not only sign the
21 document but also initial the confirmation of dual agency
22 provision. That confirmation must state, at a minimum, the
23 following:

24 "The undersigned confirm that they have previously
25 consented to (insert name(s)), ("Licensee"), acting as a
26 Dual Agent in providing brokerage services on their behalf

1 and specifically consent to Licensee acting as a Dual Agent
2 in regard to the transaction referred to in this document."

3 (d) No cause of action shall arise on behalf of any person
4 against a dual agent for making disclosures allowed or required
5 by this Article, and the dual agent does not terminate any
6 agency relationship by making the allowed or required
7 disclosures.

8 (e) In the case of dual agency, each client and the
9 licensee possess only actual knowledge and information. There
10 shall be no imputation of knowledge or information among or
11 between clients, brokers, or their affiliated licensees.

12 (f) In any transaction, a licensee may without liability
13 withdraw from representing a client who has not consented to a
14 disclosed dual agency. The withdrawal shall not prejudice the
15 ability of the licensee to continue to represent the other
16 client in the transaction or limit the licensee from
17 representing the client in other transactions. When a
18 withdrawal as contemplated in this subsection (f) occurs, the
19 licensee shall not receive a referral fee for referring a
20 client to another licensee unless written disclosure is made to
21 both the withdrawing client and the client that continues to be
22 represented by the licensee.

23 (g) A licensee shall not serve as a dual agent in any
24 transaction in which the licensee, or an entity in which the
25 licensee has an interest, is a party to the transaction.

26 (Source: P.A. 101-357, eff. 8-9-19.)

1 (225 ILCS 454/20-20)

2 (Section scheduled to be repealed on January 1, 2030)

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

1 of a confidence game.

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

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

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

20 (6) Engaging in the practice of real estate brokerage
21 without a license or after the licensee's license or
22 temporary permit was expired or while the license was
23 inactive, revoked, or suspended.

24 (7) Cheating on or attempting to subvert the Real
25 Estate License Exam or a continuing education course or
26 examination.

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

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

6 (10) Making any substantial misrepresentation or
7 untruthful advertising.

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

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

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

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

19 (15) Representing or attempting to represent, or
20 performing licensed activities for, a broker other than the
21 sponsoring broker.

22 (16) Failure to account for or to remit any moneys or
23 documents coming into his or her possession that belong to
24 others.

25 (17) Failure to maintain and deposit in a special
26 account, separate and apart from personal and other

1 business accounts, all escrow moneys belonging to others
2 entrusted to a licensee while acting as a broker, escrow
3 agent, or temporary custodian of the funds of others or
4 failure to maintain all escrow moneys on deposit in the
5 account until the transactions are consummated or
6 terminated, except to the extent that the moneys, or any
7 part thereof, shall be:

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

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

1 transaction or the principal's duly authorized agent.
2 The account shall be noninterest bearing, unless the
3 character of the deposit is such that payment of interest
4 thereon is otherwise required by law or unless the
5 principals to the transaction specifically require, in
6 writing, that the deposit be placed in an interest-bearing
7 account.

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

12 (19) Failing to furnish copies upon request of
13 documents relating to a real estate transaction to a party
14 who has executed that document.

15 (20) Failure of a sponsoring broker or licensee to
16 timely provide sponsorship or termination of sponsorship
17 information to the Department.

18 (21) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public, including, but not limited to,
21 conduct set forth in rules adopted by the Department.

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

24 (23) Employing any person on a purely temporary or
25 single deal basis as a means of evading the law regarding
26 payment of commission to nonlicensees on some contemplated

1 transactions.

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

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

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

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

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

19 (29) A licensee under this Act or an unlicensed
20 individual offering guaranteed sales plans, as defined in
21 Section 10-50, except to the extent set forth in Section
22 10-50.

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 by the Department to
23 enforce this Act or aiding or abetting any individual,
24 foreign or domestic partnership, registered limited
25 liability partnership, limited liability company,
26 corporation, or other business entity in disregarding any

1 provision of this Act or the published rules adopted by the
2 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 of or addiction to
7 alcohol, narcotics, stimulants, or any other chemical
8 agent or drug that results in a managing broker, broker, or
9 residential leasing agent's inability to practice with
10 reasonable skill or 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 residential leasing agent or
16 temporary residential leasing agent permit holder to
17 engage in activities that require a broker's or managing
18 broker's license.

19 (45) Failing to notify the Department of any criminal
20 conviction that occurs during the licensee's term of
21 licensure within 30 days after the conviction.

22 (46) A designated managing broker's failure to provide
23 an appropriate written company policy or failure to perform
24 any of the duties set forth in Section 10-55.

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

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

8 (c) (Blank).

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

21 (e) In enforcing this Section, the Department or Board upon
22 a showing of a possible violation may compel an individual
23 licensed to practice under this Act, or who has applied for
24 licensure under this Act, to submit to a mental or physical
25 examination, or both, as required by and at the expense of the
26 Department. The Department or Board may order the examining

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

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

1 conditions, or restrictions, and who fails to comply with such
2 terms, conditions, or restrictions, shall be referred to the
3 Secretary for a determination as to whether the individual
4 shall have his or her license suspended immediately, pending a
5 hearing by the Department.

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

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

20 (Source: P.A. 100-22, eff. 1-1-18; 100-188, eff. 1-1-18;
21 100-534, eff. 9-22-17; 100-831, eff. 1-1-19; 100-863, eff.
22 8-14-18; 100-872, eff. 8-14-18; 101-81, eff. 7-12-19; 101-357,
23 eff. 8-9-19.)

24 (225 ILCS 454/20-20.1)

25 (Section scheduled to be repealed on January 1, 2030)

1 Sec. 20-20.1. Citations.

2 (a) The Department may adopt rules to permit the issuance
3 of citations to any licensee for failure to comply with the
4 continuing education requirements set forth in this Act or as
5 adopted by rule. The citation shall be issued to the licensee,
6 and a copy shall be sent to his or her designated managing
7 broker and sponsoring broker. The citation shall contain the
8 licensee's name and address, the licensee's license number, the
9 number of required hours of continuing education that have not
10 been successfully completed by the licensee's renewal deadline
11 ~~licensee within the renewal period~~, and the penalty imposed,
12 which shall not exceed \$2,000. The issuance of any such
13 citation shall not excuse the licensee from completing all
14 continuing education required for that term of licensure
15 ~~renewal period~~.

16 (b) Service of a citation shall be made by in person,
17 electronically, or by mail to the licensee at the licensee's
18 address of record or email address of record, and must clearly
19 state that if the cited licensee wishes to dispute the
20 citation, he or she may make a written request, within 30 days
21 after the citation is served, for a hearing before the
22 Department. If the cited licensee does not request a hearing
23 within 30 days after the citation is served, then the citation
24 shall become a final, non-disciplinary order, and any fine
25 imposed is due and payable within 60 days after that final
26 order. If the cited licensee requests a hearing within 30 days

1 after the citation is served, the Department shall afford the
2 cited licensee a hearing conducted in the same manner as a
3 hearing provided for in this Act for any violation of this Act
4 and shall determine whether the cited licensee committed the
5 violation as charged and whether the fine as levied is
6 warranted. If the violation is found, any fine shall constitute
7 non-public discipline and be due and payable within 30 days
8 after the order of the Secretary, which shall constitute a
9 final order of the Department. No change in license status may
10 be made by the Department until such time as a final order of
11 the Department has been issued.

12 (c) Payment of a fine that has been assessed pursuant to
13 this Section shall not constitute disciplinary action
14 reportable on the Department's website or elsewhere unless a
15 licensee has previously received 2 or more citations and paid 2
16 or more fines.

17 (d) Nothing in this Section shall prohibit or limit the
18 Department from taking further action pursuant to this Act and
19 rules for additional, repeated, or continuing violations.

20 (Source: P.A. 101-357, eff. 8-9-19.)

21 (225 ILCS 454/20-110)

22 (Section scheduled to be repealed on January 1, 2030)

23 Sec. 20-110. Disciplinary actions of the Department not
24 limited. Nothing contained in Sections 20-82 ~~20-80~~ through
25 20-100 of this Act limits the authority of the Department to

1 take disciplinary action against any licensee for a violation
2 of this Act or the rules of the Department, nor shall the
3 repayment in full of all obligations to the Real Estate
4 Recovery Fund by any licensee nullify or modify the effect of
5 any other disciplinary proceeding brought pursuant to this Act.
6 (Source: P.A. 96-856, eff. 12-31-09.)

7 (225 ILCS 454/25-10)

8 (Section scheduled to be repealed on January 1, 2030)

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

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

17 (2) Twelve members shall have been actively engaged as
18 managing brokers or brokers or both for at least the 10
19 years prior to the appointment, 2 of whom must possess an
20 active pre-license instructor license.

21 (3) Three members of the Board shall be public members
22 who represent consumer interests.

23 None of these members shall be (i) a person who is licensed
24 under this Act or a similar Act of another jurisdiction, (ii)
25 the spouse or family member of a licensee, (iii) a person who

1 has an ownership interest in a real estate brokerage business,
2 or (iv) a person the Department determines to have any other
3 connection with a real estate brokerage business or a licensee.

4 The members' terms shall be for 4 years or until their
5 successor is appointed ~~and expire upon completion of the term.~~

6 No member shall be reappointed to the Board for a term that
7 would cause his or her cumulative service to the Board to
8 exceed 10 years. Appointments to fill vacancies shall be for
9 the unexpired portion of the term. Those members of the Board
10 that satisfy the requirements of paragraph (2) shall be chosen
11 in a manner such that no area of the State shall be
12 unreasonably represented. In making the appointments, the
13 Governor shall give due consideration to the recommendations by
14 members and organizations of the profession. The Governor may
15 terminate the appointment of any member for cause that in the
16 opinion of the Governor reasonably justifies the termination.
17 Cause for termination shall include without limitation
18 misconduct, incapacity, neglect of duty, or missing 4 board
19 meetings during any one calendar year. Each member of the Board
20 may receive a per diem stipend in an amount to be determined by
21 the Secretary. Each member shall be paid his or her necessary
22 expenses while engaged in the performance of his or her duties.
23 Such compensation and expenses shall be paid out of the Real
24 Estate License Administration Fund. The Secretary shall
25 consider the recommendations of the Board on questions
26 involving standards of professional conduct, discipline,

1 education, and policies and procedures under this Act. With
2 regard to this subject matter, the Secretary may establish
3 temporary or permanent committees of the Board and may consider
4 the recommendations of the Board on matters that include, but
5 are not limited to, criteria for the licensing and renewal of
6 education providers, pre-license and continuing education
7 instructors, pre-license and continuing education curricula,
8 standards of educational criteria, and qualifications for
9 licensure and renewal of professions, courses, and
10 instructors. The Department, after notifying and considering
11 the recommendations of the Board, if any, may issue rules,
12 consistent with the provisions of this Act, for the
13 administration and enforcement thereof and may prescribe forms
14 that shall be used in connection therewith. Eight Board members
15 shall constitute a quorum. A quorum is required for all Board
16 decisions.

17 The Board shall elect annually, at its first meeting of the
18 fiscal year, a vice chairperson who shall preside, with voting
19 privileges, at meetings if the chairperson is not present.

20 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18;
21 100-886, eff. 8-14-18.)

22 (225 ILCS 454/25-38 new)

23 Sec. 25-38. Real Estate Audit Fund. Notwithstanding any
24 other provision of law, in addition to any other transfers that
25 may be provided by law, on January 1, 2021, or as soon

1 thereafter as practical, the State Comptroller shall direct and
2 the State Treasurer shall transfer the remaining balance from
3 the Real Estate Audit Fund into the Real Estate License
4 Administration Fund. Upon completion of the transfer, the Real
5 Estate Audit Fund is dissolved, and any future deposits due to
6 that Fund and any outstanding obligations or liabilities of
7 that Fund pass to the Real Estate License Administration Fund.

8 (225 ILCS 454/30-15)

9 (Section scheduled to be repealed on January 1, 2030)

10 Sec. 30-15. Licensing of education providers; approval of
11 courses.

12 (a) (Blank).

13 (b) (Blank).

14 (c) (Blank).

15 (d) (Blank).

16 (e) (Blank).

17 (f) All education providers shall submit, at the time of
18 initial application and with each license renewal, a list of
19 courses with course materials that comply with the course
20 requirements in this Act to be offered by the education
21 provider. The Department may establish an online mechanism by
22 which education providers may submit for approval by the
23 Department upon the recommendation of the Board or its designee
24 pre-license, post-license, or continuing education courses
25 that are submitted after the time of the education provider's

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

16 (g) Each education provider shall provide to the Department
17 a report in a frequency and format determined by the
18 Department, with information concerning students who
19 successfully completed all approved pre-license, post-license,
20 or continuing education courses offered by the education
21 provider.

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

1 education credit from that education provider upon the failure
2 of that education provider to comply with the provisions of
3 this Act or the rules for the administration of this Act, until
4 such time as the Department receives satisfactory assurance of
5 compliance. The Department shall notify the education provider
6 of the 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
9 education provider or may withdraw approval of a pre-license,
10 post-license, or continuing education course for good cause.
11 Failure to comply with the requirements of this Section or any
12 other requirements established by rule shall be deemed to be
13 good cause. Disciplinary proceedings shall be conducted by the
14 Board in the same manner as other disciplinary proceedings
15 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) Continuing education courses ~~No continuing~~
22 ~~education course~~ shall be required to be at least one hour
23 ~~taught in increments longer than 2 hours~~ in duration. For ~~For~~
24 ~~however, for~~ each one hour of course time ~~in each course,~~
25 there shall be a minimum of 50 minutes of instruction.

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

1 in the classroom or through a live, interactive webinar or
2 online distance 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 50 minutes of course instruction.

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

12 (5) Credit for courses completed in a classroom or
13 through a live, interactive webinar or online distance
14 education format shall not require an examination.

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

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

23 (k) 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; 101-357, eff. 8-9-19.)

2 (225 ILCS 454/30-25)

3 (Section scheduled to be repealed on January 1, 2030)

4 Sec. 30-25. Licensing of education provider instructors.

5 (a) No person shall act as either a pre-license or
6 continuing education instructor without possessing a valid
7 pre-license or continuing education instructor license and
8 satisfying any other qualification criteria adopted by the
9 Department by rule.

10 (a-5) Each person with a valid pre-license instructor
11 license may teach pre-license, post-license, continuing
12 education core curriculum, continuing education elective
13 curriculum, or broker management education courses if they meet
14 specific criteria adopted by the Department by rule. Those
15 persons who have not met the criteria or who only possess a
16 valid continuing education instructor license shall only teach
17 continuing education elective curriculum courses. Any person
18 with a valid continuing education instructor license who wishes
19 to teach continuing education core curriculum or broker
20 management continuing education courses must obtain a valid
21 pre-license instructor license.

22 (b) Every person who desires to obtain an education
23 provider instructor's license shall attend and successfully
24 complete a one-day instructor development workshop, as
25 approved by the Department. However, pre-license instructors

1 who have complied with subsection (b) of this Section 30-25
2 shall not be required to complete the instructor workshop in
3 order to teach continuing education elective curriculum
4 courses.

5 (b-5) The term of licensure for a pre-license or continuing
6 education instructor shall be 2 years, with renewal dates
7 adopted by rule. Every person who desires to obtain a
8 pre-license or continuing education instructor license shall
9 make application to the Department in a manner prescribed by
10 the Department, accompanied by the fee adopted by rule. In
11 addition to any other information required to be contained in
12 the application, every application for an original license
13 shall include the applicant's Social Security number, which
14 shall be retained in the agency's records pertaining to the
15 license. As soon as practical, the Department shall assign a
16 customer's identification number to each applicant for a
17 license.

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

20 The Department shall issue a pre-license or continuing
21 education instructor license to applicants who meet
22 qualification criteria established by this Act or rule.

23 (c) The Department may refuse to issue, suspend, revoke, or
24 otherwise discipline a pre-license or continuing education
25 instructor for good cause. Disciplinary proceedings shall be
26 conducted by the Board in the same manner as other disciplinary

1 proceedings under this Act. All pre-license instructors must
2 teach at least one pre-license or continuing education core
3 curriculum course within the period of licensure as a
4 requirement for renewal of the instructor's license. All
5 continuing education instructors must teach at least one course
6 within the period of licensure or take an instructor training
7 program approved by the Department in lieu thereof as a
8 requirement for renewal of the instructor's license.

9 (d) Each course transcript submitted by an education
10 provider to the Department shall include the name and license
11 number of the pre-license or continuing education instructor
12 for the course.

13 (e) Licensed education provider instructors may teach for
14 more than one licensed education provider.

15 (f) The Department may adopt any administrative rule
16 consistent with the language and intent of this Act that may be
17 necessary for the implementation and enforcement of this
18 Section.

19 (Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

20 (225 ILCS 454/25-21 rep.)

21 Section 15. The Real Estate License Act of 2000 is amended
22 by repealing Section 25-21.

23 (225 ILCS 456/Act rep.)

24 Section 20. The Real Estate Regulation Transfer Act is

1 repealed.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.