



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB5167

Introduced 1/27/2022, by Rep. Kathleen Willis

SYNOPSIS AS INTRODUCED:

See Index

Amends the State Finance Act. Creates the Division of Real Estate General Fund. Repeals provisions creating the Real Estate Audit Fund, the Home Inspector Administration Fund, and the Community Association Manager Licensing and Disciplinary Fund. Amends the Auction License Act. Makes changes in provisions concerning requirements for an auctioneer license and application; expiration, renewal, and continuing education; fees and disposition of funds; grounds for disciplinary actions; returned checks and dishonored credit card charges; and the Auction Advisory Board. Creates provisions concerning confidentiality; citations; illegal discrimination; and no private right of action. Amends the Community Association Manager Licensing and Disciplinary Act. Makes changes in provisions concerning definitions; the Community Association Manager Licensing and Disciplinary Board; fidelity insurance and segregation of accounts; licenses, renewals, restoration, and persons in military service; and fees. Amends the Home Inspector License Act. Makes changes in provisions concerning definitions; renewal of licenses; unlicensed practice; civil penalties; and surcharges. Creates provisions concerning illegal discrimination. Amends the Real Estate License Act of 2000. Makes changes in provisions concerning definitions; requirements for license as a residential leasing agent; good moral character; offices; expiration and renewal of licenses; continuing education requirements; agency relationship disclosure; dual agency; grounds for discipline; citations; restoration of a suspended or revoked license; administrative review venue; the Real Estate Administration and Disciplinary Board; and licensing of education providers. Amends the Real Estate Appraiser Licensing Act. Makes changes in provisions concerning definitions; renewal of licenses; and the Real Estate Appraisal Administration and Disciplinary Board. Amends the Appraisal Management Company Registration Act concerning qualifications for registration, reports, and good moral character. Amends the Professional Limited Liability Company Act concerning the nature of business. Amends the Real Estate License Act of 2000 concerning broker licensure. Repeals the Real Estate Regulation Transfer Act. Makes other changes. Effective immediately, except provisions repealing provisions of the State Finance Act take effect July 1, 2023.

LRB102 25439 SPS 34725 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The State Finance Act is amended by adding
5 Section 5.970 as follows:

6 (30 ILCS 105/5.970 new)

7 Sec. 5.970. The Division of Real Estate General Fund.

8 (30 ILCS 105/5.557 rep.)

9 (30 ILCS 105/5.558 rep.)

10 (30 ILCS 105/5.742 rep.)

11 Section 10. The State Finance Act is amended by repealing
12 Sections 5.557, 5.558, and 5.742.

13 Section 15. The Auction License Act is amended by changing
14 Sections 10-5, 10-30, 10-50, 20-15, 20-95, 30-13, and 30-30
15 and by adding Sections 20-11, 20-15.1, 20-16, and 20-105 as
16 follows:

17 (225 ILCS 407/10-5)

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

19 Sec. 10-5. Requirements for auctioneer license;
20 application.

1 (a) Every person who desires to obtain an auctioneer
2 license under this Act shall:

3 (1) apply to the Department on forms provided by the
4 Department accompanied by the required fee;

5 (2) be at least 18 years of age;

6 (3) have attained a high school diploma or
7 successfully completed an equivalent course of study
8 determined by an examination conducted by the Illinois
9 State Board of Education; and

10 (4) pass a written examination authorized by the
11 Department to prove competence, including but not limited
12 to general knowledge of Illinois and federal laws
13 pertaining to personal property contracts, auctions, real
14 property, ethics, and other topics relating to the auction
15 business.

16 (b) The Department shall not require applicants to report
17 the following information and shall not consider the following
18 criminal history records in connection with an application for
19 licensure or registration:

20 (1) juvenile adjudications of delinquent minors as
21 defined in Section 5-105 of the Juvenile Court Act of 1987
22 subject to the restrictions set forth in Section 5-130 of
23 that Act;

24 (2) law enforcement records, court records, and
25 conviction records of an individual who was 17 years old
26 at the time of the offense and before January 1, 2014,

1 unless the nature of the offense required the individual
2 to be tried as an adult;

3 (3) records of arrest not followed by a charge or
4 conviction;

5 (4) records of arrest where the charges were dismissed
6 unless related to the practice of the profession; however,
7 applicants shall not be asked to report any arrests, and
8 an arrest not followed by a conviction shall not be the
9 basis of denial and may be used only to assess an
10 applicant's rehabilitation;

11 (5) convictions overturned by a higher court; or

12 (6) convictions or arrests that have been sealed or
13 expunged.

14 (c) An applicant or licensee shall report to the
15 Department, in a manner prescribed by the Department, and
16 within 30 days after the occurrence if during the term of
17 licensure: (i) any conviction of, or plea of guilty, or nolo
18 contendere to forgery, embezzlement, obtaining money under
19 false pretenses, larceny, extortion, conspiracy to defraud, or
20 any similar offense or offenses or any conviction of a felony
21 involving moral turpitude; or (ii) the entry of an
22 administrative sanction by a government agency in this State
23 or any other jurisdiction that has as an essential element
24 dishonesty or fraud or involves larceny, embezzlement, or
25 obtaining money, property, or credit by false pretenses.

26 (Source: P.A. 101-345, eff. 8-9-19.)

1 (225 ILCS 407/10-30)

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

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

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

10 (b) All renewal applicants must provide proof as
11 determined by the Department of having met the continuing
12 education requirements by the deadline set forth by the
13 Department by rule. At a minimum, the rules shall require an
14 applicant for renewal licensure as an auctioneer to provide
15 proof of the completion of at least 12 hours of continuing
16 education during the pre-renewal period established by the
17 Department for completion of continuing education from schools
18 approved by the Department, as established by rule.

19 (c) The Department, in its discretion, may waive
20 enforcement of the continuing education requirements of this
21 Section and shall adopt rules defining the standards and
22 criteria for such waiver.

23 (d) (Blank).

24 (e) The Department shall not renew a license if the
25 licensee has an unpaid fine or fee from a disciplinary matter

1 or from a non-disciplinary action imposed by the Department
2 until the fine or fee is paid to the Department or the licensee
3 has entered into a payment plan and is current on the required
4 payments.

5 (f) The Department shall not issue a license if the
6 applicant has an unpaid fine imposed by the Department for
7 unlicensed practice until the fine is paid to the Department
8 or the applicant has entered into a payment plan and is current
9 on the required payments.

10 (Source: P.A. 100-831, eff. 1-1-19.)

11 (225 ILCS 407/10-50)

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

13 Sec. 10-50. Fees; disposition of funds.

14 (a) The Department shall establish by rule a schedule of
15 fees for the administration and maintenance of this Act. Such
16 fees shall be nonrefundable.

17 (b) Prior to January 1, 2023, all ~~All~~ fees collected under
18 this Act shall be deposited into the General Professions
19 Dedicated Fund and appropriated to the Department for the
20 ordinary and contingent expenses of the Department in the
21 administration of this Act. Beginning on January 1, 2023, all
22 fees, fines, penalties, or other monies received or collected
23 pursuant to this Act shall be deposited in the Division of Real
24 Estate General Fund.

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

1 (225 ILCS 407/20-11 new)

2 Sec. 20-11. Confidentiality. All information collected by
3 the Department in the course of an examination or
4 investigation of a licensee or applicant, including, but not
5 limited to, any complaint against a licensee filed with the
6 Department and information collected to investigate any such
7 complaint, shall be maintained for the confidential use of the
8 Department and shall not be disclosed. The Department may not
9 disclose the information to anyone other than law enforcement
10 officials, other regulatory agencies that have an appropriate
11 regulatory interest as determined by the Secretary, or to a
12 party presenting a lawful subpoena to the Department.
13 Information and documents disclosed to a federal, State,
14 county, or local law enforcement agency shall not be disclosed
15 by the agency for any purpose to any other agency or person. A
16 formal complaint filed against a licensee by the Department or
17 any order issued by the Department against a licensee or
18 applicant shall be a public record, except as otherwise
19 prohibited by law.

20 (225 ILCS 407/20-15)

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

22 Sec. 20-15. Disciplinary actions; grounds. The Department
23 may refuse to issue or renew a license, may place on probation
24 or administrative supervision, suspend, or revoke any license

1 or may reprimand or take other disciplinary or
2 non-disciplinary action as the Department may deem proper,
3 including the imposition of fines not to exceed \$10,000 for
4 each violation upon anyone licensed under this Act for any of
5 the following reasons:

6 (1) False or fraudulent representation or material
7 misstatement in furnishing information to the Department
8 in obtaining or seeking to obtain a license.

9 (2) Violation of any provision of this Act or the
10 rules adopted under this Act.

11 (3) Conviction of or entry of a plea of guilty or nolo
12 contendere, as set forth in subsection (c) of Section
13 10-5, to any crime that is a felony or misdemeanor under
14 the laws of the United States or any state or territory
15 thereof, or entry of an administrative sanction by a
16 government agency in this State or any other jurisdiction
17 ~~that is a misdemeanor, an essential element of which is~~
18 ~~dishonesty, or any crime that is directly related to the~~
19 ~~practice of the profession.~~

20 (3.5) Failing to notify the Department, ~~of any~~
21 ~~criminal conviction that occurs during the licensee's term~~
22 ~~of licensure~~ within 30 days after the occurrence, the
23 information required in subsection (c) of Section 10-5
24 conviction.

25 (4) Being adjudged to be a person under legal
26 disability or subject to involuntary admission or to meet

1 the standard for judicial admission as provided in the
2 Mental Health and Developmental Disabilities Code.

3 (5) Discipline of a licensee by another state, the
4 District of Columbia, a territory of the United States, a
5 foreign nation, a governmental agency, or any other entity
6 authorized to impose discipline if at least one of the
7 grounds for that discipline is the same as or the
8 equivalent to one of the grounds for discipline set forth
9 in this Act or for failing to report to the Department,
10 within 30 days, any adverse final action taken against the
11 licensee by any other licensing jurisdiction, government
12 agency, law enforcement agency, or court, or liability for
13 conduct that would constitute grounds for action as set
14 forth in this Act.

15 (6) Engaging in the practice of auctioneering,
16 conducting an auction, or providing an auction service
17 without a license or after the license was expired,
18 revoked, suspended, or terminated or while the license was
19 inoperative.

20 (7) Attempting to subvert or cheat on the auctioneer
21 exam or any continuing education exam, or aiding or
22 abetting another to do the same.

23 (8) Directly or indirectly giving to or receiving from
24 a person, firm, corporation, partnership, or association a
25 fee, commission, rebate, or other form of compensation for
26 professional service not actually or personally rendered,

1 except that an auctioneer licensed under this Act may
2 receive a fee from another licensed auctioneer from this
3 State or jurisdiction for the referring of a client or
4 prospect for auction services to the licensed auctioneer.

5 (9) Making any substantial misrepresentation or
6 untruthful advertising.

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

9 (11) Pursuing a continued and flagrant course of
10 misrepresentation or the making of false promises through
11 a licensee, agent, employee, advertising, or otherwise.

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

16 (13) Commingling funds of others with the licensee's
17 ~~his or her~~ own funds or failing to keep the funds of others
18 in an escrow or trustee account.

19 (14) Failure to account for, remit, or return any
20 moneys, property, or documents coming into the licensee's
21 ~~his or her~~ possession that belong to others, acquired
22 through the practice of auctioneering, conducting an
23 auction, or providing an auction service within 30 days of
24 the written request from the owner of said moneys,
25 property, or documents.

26 (15) Failure to maintain and deposit into a special

1 account, separate and apart from any personal or other
2 business accounts, all moneys belonging to others
3 entrusted to a licensee while acting as an auctioneer,
4 auction firm, or as a temporary custodian of the funds of
5 others.

6 (16) Failure to make available to Department personnel
7 during normal business hours all escrow and trustee
8 records and related documents maintained in connection
9 with the practice of auctioneering, conducting an auction,
10 or providing an auction service within 24 hours after a
11 request from Department personnel.

12 (17) Making or filing false records or reports in the
13 licensee's ~~his or her~~ practice, including but not limited
14 to false records or reports filed with State agencies.

15 (18) Failing to voluntarily furnish copies of all
16 written instruments prepared by the auctioneer and signed
17 by all parties to all parties at the time of execution.

18 (19) Failing to provide information within 30 days in
19 response to a written request made by the Department.

20 (20) Engaging in any act that constitutes a violation
21 of Section 2-102, 3-103, or 3-105 of the Illinois Human
22 Rights Act.

23 (21) (Blank).

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

1 (23) Offering or advertising real estate for sale or
2 lease at auction without a valid broker or managing
3 broker's license under the Real Estate License Act of
4 1983, or any successor Act, unless exempt from licensure
5 under the terms of the Real Estate License Act of 2000, or
6 any successor Act, except as provided in Section 5-32 of
7 the Real Estate License Act of 2000.

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

13 (25) A pattern of practice or other behavior that
14 demonstrates incapacity or incompetence to practice under
15 this Act.

16 (26) Being named as a perpetrator in an indicated
17 report by the Department of Children and Family Services
18 under the Abused and Neglected Child Reporting Act and
19 upon proof by clear and convincing evidence that the
20 licensee has caused a child to be an abused child or a
21 neglected child as defined in the Abused and Neglected
22 Child Reporting Act.

23 (27) Inability to practice with reasonable judgment,
24 skill, or safety as a result of habitual or excessive use
25 or addiction to alcohol, narcotics, stimulants, or any
26 other chemical agent or drug.

1 (28) Willfully failing to report an instance of
2 suspected child abuse or neglect as required by the Abused
3 and Neglected Child Reporting Act.

4 ~~The entry of an order by a circuit court establishing that~~
5 ~~any person holding a license under this Act is subject to~~
6 ~~involuntary admission or judicial admission, as provided in~~
7 ~~the Mental Health and Developmental Disabilities Code,~~
8 ~~operates as an automatic suspension of that license. That~~
9 ~~person may have his or her license restored only upon the~~
10 ~~determination by a circuit court that the patient is no longer~~
11 ~~subject to involuntary admission or judicial admission and the~~
12 ~~issuance of an order so finding and discharging the patient~~
13 ~~and upon the Board's recommendation to the Department that the~~
14 ~~license be restored. Where circumstances so indicate, the~~
15 ~~Board may recommend to the Department that it require an~~
16 ~~examination prior to restoring a suspended license.~~

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

1 ~~An individual whose license was granted, continued,~~
2 ~~reinstated, renewed, disciplined or supervised subject to such~~
3 ~~terms, conditions, or restrictions, and who fails to comply~~
4 ~~with such terms, conditions, or restrictions, shall be~~
5 ~~referred to the Secretary for a determination as to whether~~
6 ~~the individual shall have his or her license suspended~~
7 ~~immediately, pending a hearing by the Department. If the~~
8 ~~Secretary immediately suspends a person's license under this~~
9 ~~Section, a hearing on that person's license must be convened~~
10 ~~by the Department within 21 days after the suspension and~~
11 ~~completed without appreciable delay. The Department and Board~~
12 ~~shall have the authority to review the subject individual's~~
13 ~~record of treatment and counseling regarding the impairment to~~
14 ~~the extent permitted by applicable federal statutes and~~
15 ~~regulations safeguarding the confidentiality of medical~~
16 ~~records.~~

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

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

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

17 (Source: P.A. 101-345, eff. 8-9-19.)

18 (225 ILCS 407/20-15.1 new)

19 Sec. 20-15.1. Citations.

20 (a) The Department may adopt rules to permit the issuance
21 of citations to any licensee for failure to comply with the
22 continuing education requirements set forth in this Act or as
23 established by rule. The citation shall be issued to the
24 licensee and shall contain the licensee's name and address,
25 the licensee's license number, the number of required hours of

1 continuing education that have not been successfully completed
2 by the licensee within the renewal period, and the penalty
3 imposed, which shall not exceed \$2,000. The issuance of any
4 such citation shall not excuse the licensee from completing
5 all continuing education required for that renewal period.

6 (b) Service of a citation shall be made in person,
7 electronically, or by mail to the licensee at the licensee's
8 address of record or email address of record, and must clearly
9 state that if the cited licensee wishes to dispute the
10 citation, they may make a written request, within 30 days
11 after the citation is served, for a hearing before the
12 Department. If the cited licensee does not request a hearing
13 within 30 days after the citation is served, then the citation
14 shall become a final, non-disciplinary order, and any fine
15 imposed is due and payable within 60 days after that final
16 order. If the cited licensee requests a hearing within 30 days
17 after the citation is served, the Department shall afford the
18 cited licensee a hearing conducted in the same manner as a
19 hearing provided for in this Act for any violation of this Act
20 and shall determine whether the cited licensee committed the
21 violation as charged and whether the fine as levied is
22 warranted. If the violation is found, any fine shall
23 constitute non-public discipline and be due and payable within
24 30 days after the order of the Secretary, which shall
25 constitute a final order of the Department. No change in
26 license status may be made by the Department until a final

1 order of the Department has been issued.

2 (c) Payment of a fine that has been assessed pursuant to
3 this Section shall not constitute disciplinary action
4 reportable on the Department's website or elsewhere unless a
5 licensee has previously received 2 or more citations and been
6 assessed 2 or more fines.

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

10 (225 ILCS 407/20-16 new)

11 Sec. 20-16. Illegal discrimination. When there has been an
12 adjudication in a civil or criminal proceeding that a licensee
13 has illegally discriminated while engaged in any activity for
14 which a license is required under this Act, the Department,
15 upon the recommendation of the Board as to the extent of the
16 suspension or revocation, shall suspend or revoke the license
17 of that licensee in a timely manner, unless the adjudication
18 is in the appeal process. When there has been an order in an
19 administrative proceeding finding that a licensee has
20 illegally discriminated while engaged in any activity for
21 which a license is required under this Act, the Department,
22 upon recommendation of the Board as to the nature and extent of
23 the discipline, shall take one or more of the disciplinary
24 actions provided for in Section 20-15 in a timely manner,
25 unless the administrative order is in the appeal process.

1 (225 ILCS 407/20-95)

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

3 Sec. 20-95. Returned checks and dishonored credit card
4 charges; fine. A person who: (i) delivers a check or other
5 payment to the Department that is returned to the Department
6 unpaid by the financial institution upon which it is drawn; or
7 (ii) presents a credit or debit card for payment that is
8 invalid or expired or against which charges by the Department
9 are declined or dishonored, shall pay to the Department, in
10 addition to the amount already owed to the Department, a fee of
11 \$50. The Department shall notify the person that the ~~his or her~~
12 check has been returned and that the person shall pay to the
13 Department by certified check or money order the amount of the
14 returned check plus the \$50 fee within 30 calendar days after
15 the date of the notification. If, after the expiration of 30
16 calendar days of the notification, the person has failed to
17 submit the necessary remittance, the Department shall
18 automatically terminate the license or deny the application
19 without a hearing. If, after termination or denial, the person
20 seeks a license, the applicant or licensee ~~he or she~~ shall
21 petition the Department for restoration or issuance of the
22 license and ~~he or she~~ may be subject to additional discipline
23 or fines. The Secretary may waive the fines due under this
24 Section in individual cases where the Secretary finds that the
25 fines would be unreasonable or unnecessarily burdensome.

1 (Source: P.A. 95-572, eff. 6-1-08.)

2 (225 ILCS 407/20-105 new)

3 Sec. 20-105. No private right of action. Except as
4 otherwise expressly provided for in this Act, nothing in this
5 Act shall be construed to grant to any person a private right
6 of action to enforce the provisions of this Act or the rules
7 adopted under this Act.

8 (225 ILCS 407/30-13)

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

10 Sec. 30-13. The Division of Real Estate General
11 Professions Dedicated Fund. Prior to January 1, 2023, all ~~All~~
12 of the fees, fines, and penalties collected under this Act
13 shall be deposited into the General Professions Dedicated
14 Fund. Prior to January 1, 2023, the ~~The~~ monies deposited into
15 the General Professions Dedicated Fund shall be used by the
16 Department, as appropriated, for the ordinary and contingent
17 expenses of the Department. Monies in the General Professions
18 Dedicated Fund may be invested and reinvested, with all
19 earnings received from investments to be deposited into that
20 Fund and used for the same purposes as fees deposited in that
21 Fund.

22 Beginning on January 1, 2023, all of the fees, fines, and
23 penalties collected under this Act shall be deposited into the
24 Division of Real Estate General Fund. The monies deposited

1 into the Division of Real Estate General Fund shall be used by
2 the Department, as appropriated, for the ordinary and
3 contingent expenses of the Department. Monies in the Division
4 of Real Estate General Fund may be invested and reinvested,
5 with all earnings received from investments to be deposited
6 into that Fund and used for the same purposes as fees deposited
7 in that Fund.

8 (Source: P.A. 96-730, eff. 8-25-09.)

9 (225 ILCS 407/30-30)

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

11 Sec. 30-30. Auction Advisory Board.

12 (a) There is hereby created the Auction Advisory Board.
13 The Advisory Board shall consist of 7 members and shall be
14 appointed by the Secretary. In making the appointments, the
15 Secretary shall give due consideration to the recommendations
16 by members and organizations of the industry, including but
17 not limited to the Illinois State Auctioneers Association.
18 Five members of the Advisory Board shall be licensed
19 auctioneers, ~~except that for the initial appointments, these~~
20 ~~members may be persons without a license, but who have been~~
21 ~~auctioneers for at least 5 years preceding their appointment~~
22 ~~to the Advisory Board.~~ One member shall be a public member who
23 represents the interests of consumers and who is not licensed
24 under this Act or the spouse of a person licensed under this
25 Act or who has any responsibility for management or formation

1 of policy of or any financial interest in the auctioneering
2 profession ~~or any other connection with the profession~~. One
3 member shall be actively engaged in the real estate industry
4 and licensed as a broker or managing broker ~~salesperson~~. The
5 Advisory Board shall annually elect, at its first meeting of
6 the fiscal year, one of its members to serve as Chairperson.

7 (b) The members' terms shall be for 4 years and until a
8 successor is appointed ~~expire upon completion of the term~~. No
9 member shall be reappointed to the Board for a term that would
10 cause the member's ~~his or her~~ cumulative service to the Board
11 to exceed 10 years. Appointments to fill vacancies shall be
12 made by the Secretary for the unexpired portion of the term. To
13 the extent practicable, the Secretary shall appoint members to
14 ensure that the various geographic regions of the State are
15 properly represented on the Advisory Board.

16 (c) Four Board members shall constitute a quorum. A quorum
17 is required for all Board decisions. A vacancy in the
18 membership of the Board shall not impair the right of a quorum
19 to exercise all of the rights and perform all of the duties of
20 the Board.

21 (d) Each member of the Advisory Board may ~~shall~~ receive a
22 per diem stipend in an amount to be determined by the
23 Secretary. While engaged in the performance of duties, each
24 ~~Each~~ member shall be reimbursed for ~~paid his or her~~ necessary
25 expenses ~~while engaged in the performance of his or her~~
26 ~~duties~~.

1 (e) Members of the Advisory Board shall be immune from
2 suit in an action based upon any disciplinary proceedings or
3 other acts performed in good faith as members of the Advisory
4 Board.

5 (f) The Advisory Board shall meet as convened by the
6 Department.

7 (g) The Advisory Board shall advise the Department on
8 matters of licensing and education and make recommendations to
9 the Department on those matters and shall hear and make
10 recommendations to the Secretary on disciplinary matters that
11 require a formal evidentiary hearing.

12 (h) The Secretary shall give due consideration to all
13 recommendations of the Advisory Board.

14 (Source: P.A. 100-886, eff. 8-14-18.)

15 Section 20. The Community Association Manager Licensing
16 and Disciplinary Act is amended by changing Sections 10, 25,
17 55, 60, and 65 as follows:

18 (225 ILCS 427/10)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 10. Definitions. As used in this Act:

21 "Address of record" means the designated street address,
22 which may not be a post office box, recorded by the Department
23 in the applicant's or licensee's application file or license
24 file maintained by the Department.

1 "Advertise" means, but is not limited to, issuing or
2 causing to be distributed any card, sign or device to any
3 person; or causing, permitting or allowing any sign or marking
4 on or in any building, structure, newspaper, magazine or
5 directory, or on radio or television; or advertising by any
6 other means designed to secure public attention, including,
7 but not limited to, print, electronic, social media, and
8 digital forums.

9 "Board" means the Community Association Manager Licensing
10 and Disciplinary Board.

11 "Community association" means an association in which
12 membership is a condition of ownership or shareholder interest
13 of a unit in a condominium, cooperative, townhouse, villa, or
14 other residential unit which is part of a residential
15 development plan and that is authorized to impose an
16 assessment, rents, or other costs that may become a lien on the
17 unit or lot.

18 "Community association funds" means any assessments, fees,
19 fines, or other funds collected by the community association
20 manager from the community association, or its members, other
21 than the compensation paid to the community association
22 manager for performance of community association management
23 services.

24 "Community association management firm" means a company,
25 corporation, limited liability company, partnership, or other
26 entity that engages in community association management

1 services.

2 "Community association management services" means those
3 services listed in the definition of community association
4 manager in this Section.

5 "Community association manager" means an individual who:

6 (1) has an ownership interest in or is employed by a
7 community association management firm, or is directly
8 employed by or provides services as an independent
9 contractor to a community association; and

10 (2) administers for remuneration the financial,
11 administrative, maintenance, or other duties for the
12 community association, including the following services:

13 (A) collecting, controlling or disbursing funds of
14 the community association or having the authority to
15 do so;

16 (B) preparing budgets or other financial documents
17 for the community association;

18 (C) assisting in the conduct of community
19 association meetings;

20 (D) maintaining association records;

21 (E) administering association contracts or
22 procuring goods and services in accordance with the
23 declaration, bylaws, proprietary lease, declaration of
24 covenants, or other governing document of the
25 community association or at the direction of the board
26 of managers; and

1 (F) coordinating financial, administrative,
2 maintenance, or other duties called for in the
3 management contract, including individuals who are
4 direct employees of the community association.

5 "Community association manager" does not mean support
6 staff, including, but not limited to bookkeepers,
7 administrative assistants, secretaries, property inspectors,
8 or customer service representatives.

9 "Department" means the Department of Financial and
10 Professional Regulation.

11 "Designated community association manager" means a
12 licensed community association manager who: (1) has an
13 ownership interest in or is employed by a community
14 association management firm to act as a controlling person;
15 and (2) is the authorized signatory or has delegated signing
16 authority for the firm on community association accounts; and
17 (3) supervises, manages, and is responsible for the firm's
18 community association manager activities pursuant to Section
19 50 of this Act.

20 "Email address of record" means the designated email
21 address recorded by the Department in the applicant's
22 application file or the licensee's license file, as maintained
23 by the Department.

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

1 "Licensee" means any person licensed under this Act ~~a~~
2 ~~community association manager or a community association~~
3 ~~management firm.~~

4 "Person" means any individual, corporation, partnership,
5 limited liability company, or other legal entity.

6 "Secretary" means the Secretary of Financial and
7 Professional Regulation or the Secretary's designee.

8 (Source: P.A. 102-20, eff. 1-1-22.)

9 (225 ILCS 427/25)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 25. Community Association Manager Licensing and
12 Disciplinary Board.

13 (a) There is hereby created the Community Association
14 Manager Licensing and Disciplinary Board, which shall consist
15 of 7 members appointed by the Secretary. All members must be
16 residents of the State and must have resided in the State for
17 at least 5 years immediately preceding the date of
18 appointment. Five members of the Board must be licensees under
19 this Act. Two members of the Board shall be owners of, or hold
20 a shareholder's interest in, a unit in a community association
21 at the time of appointment who are not licensees under this Act
22 and have no direct affiliation with the community
23 association's community association manager. This Board shall
24 act in an advisory capacity to the Department.

25 (b) The term of each member shall be for 4 years and ~~or~~

1 until that member's successor is appointed. No member shall be
2 reappointed to the Board for a term that would cause the
3 member's cumulative service to the Board to exceed 10 years.
4 Appointments to fill vacancies shall be made by the Secretary
5 for the unexpired portion of the term. The Secretary shall
6 remove from the Board any member whose license has become void
7 or has been revoked or suspended and may remove any member of
8 the Board for neglect of duty, misconduct, or incompetence. A
9 member who is subject to formal disciplinary proceedings shall
10 be disqualified from all Board business until the charge is
11 resolved. A member also shall be disqualified from any matter
12 on which the member cannot act objectively.

13 (c) Four Board members shall constitute a quorum. A quorum
14 is required for all Board decisions. A vacancy in the
15 membership of the Board shall not impair the right of a quorum
16 to exercise all of the rights and perform all of the duties of
17 the Board.

18 (d) The Board shall elect annually, at its first meeting
19 of the fiscal year, a chairperson and vice chairperson.

20 (e) Each member shall be reimbursed ~~receive reimbursement~~
21 ~~as set by the Governor's Travel Control Board~~ for necessary
22 expenses incurred in carrying out the duties as a Board
23 member. The Board may receive a per diem stipend in an amount
24 to ~~shall be compensated as~~ determined by the Secretary.

25 (f) The Board may recommend policies, procedures, and
26 rules relevant to the administration and enforcement of this

1 Act.

2 (g) Members of the Board shall be immune from suit in an
3 action based upon any disciplinary proceedings or other acts
4 performed in good faith as members of the Board.

5 (Source: P.A. 102-20, eff. 1-1-22.)

6 (225 ILCS 427/55)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 55. Fidelity insurance; segregation of accounts.

9 (a) The designated community association manager or the
10 community association management firm that employs the
11 designated community association manager shall not have access
12 to and disburse community association funds unless each of the
13 following conditions occur:

14 (1) There is fidelity insurance in place to insure
15 against loss or theft of community association funds.

16 (2) The fidelity insurance is in the maximum amount of
17 coverage available to protect funds in the custody or
18 control of the designated community association manager or
19 community association management firm providing service to
20 the association.

21 (3) During the term and coverage period of the
22 insurance, the fidelity insurance shall cover:

23 (A) the designated community association manager;

24 (B) the community association management firm;

25 (C) all community association managers;

1 (D) all partners, officers, and employees of the
2 community association management firm; and

3 (E) the community association officers, directors,
4 and employees.

5 (4) The insurance company issuing the fidelity
6 insurance may not cancel or refuse to renew the bond
7 without giving at least 10 days' prior written notice.

8 (5) Unless an agreement between the community
9 association and the designated community association
10 manager or the community association management firm
11 provides to the contrary, a community association may
12 secure and pay for the fidelity insurance required by this
13 Section. The designated community association manager, all
14 other licensees, and the community association management
15 firm must be named as additional insured parties on the
16 community association policy. The designated community
17 association manager or the community association
18 management firm must provide a current certificate of
19 fidelity insurance to all community associations to which
20 it provides community association management services no
21 later than 10 days following the renewal date of the
22 insurance.

23 (b) A community association management firm that provides
24 community association management services for more than one
25 community association shall maintain separate, segregated
26 accounts for each community association. The funds shall not,

1 in any event, be commingled with the supervising community
2 association manager's or community association management
3 firm's funds. The funds shall not, in any event, be commingled
4 with the funds of the community association manager, the
5 community association management firm, or any other community
6 association. The maintenance of such accounts shall be
7 custodial, and such accounts shall be in the name of the
8 respective community association.

9 (c) The designated community association manager or
10 community association management firm shall obtain the
11 appropriate general liability and errors and omissions
12 insurance, as determined by the Department, to cover any
13 losses or claims against a community association manager, the
14 designated community association manager, or the community
15 association management firm. The designated community
16 association manager or the community association management
17 firm must provide a current certificate of general liability
18 and errors and omissions insurance to all community
19 associations to which it provides community association
20 management services no later than 10 days following the
21 renewal date of the insurance.

22 (d) The Department shall have authority to promulgate
23 additional rules regarding insurance, fidelity insurance and
24 all accounts maintained and to be maintained by a community
25 association manager, designated community association manager,
26 or community association management firm.

1 (e) The certificates of insurance required hereunder shall
2 be considered records of the community association.

3 (Source: P.A. 102-20, eff. 1-1-22.)

4 (225 ILCS 427/60)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 60. Licenses; renewals; restoration; person in
7 military service.

8 (a) The expiration date, fees, and renewal period for each
9 license issued under this Act shall be set by rule. The
10 Department may promulgate rules requiring continuing education
11 and set all necessary requirements for such, including but not
12 limited to fees, approved coursework, number of hours, and
13 waivers of continuing education.

14 (b) Any licensee who has an expired license may have the
15 license restored by applying to the Department and filing
16 proof acceptable to the Department of fitness to have the
17 expired license restored, by which may include sworn evidence
18 certifying to active practice in another jurisdiction
19 satisfactory to the Department, complying with any continuing
20 education requirements, and paying the required restoration
21 fee.

22 (c) Any person whose license expired while (i) in federal
23 service on active duty with the Armed Forces of the United
24 States or called into service or training with the State
25 Militia or (ii) in training or education under the supervision

1 of the United States preliminary to induction into the
2 military service may have the license renewed or restored
3 without paying any lapsed renewal fees if, within 2 years
4 after honorable termination of the service, training or
5 education, except under condition other than honorable, the
6 licensee furnishes the Department with satisfactory evidence
7 of engagement and that the service, training, or education has
8 been so honorably terminated.

9 (d) A community association manager or community
10 association management firm that notifies the Department, in a
11 manner prescribed by the Department, may place the license on
12 inactive status for a period not to exceed 2 years and shall be
13 excused from the payment of renewal fees until the person
14 notifies the Department in writing of the intention to resume
15 active practice.

16 (e) A community association manager ~~or~~ community
17 association management firm requesting that the license be
18 changed from inactive to active status shall be required to
19 pay the current renewal fee and shall also demonstrate
20 compliance with the continuing education requirements.

21 (f) No licensee with a nonrenewed or inactive license
22 status or community association management firm operating
23 ~~operation~~ without a designated community association manager
24 shall provide community association management services as set
25 forth in this Act.

26 (g) Any person violating subsection (f) of this Section

1 shall be considered to be practicing without a license and
2 will be subject to the disciplinary provisions of this Act.

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

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

14 (Source: P.A. 102-20, eff. 1-1-22.)

15 (225 ILCS 427/65)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 65. Fees; Division of Real Estate General Community
18 ~~Association Manager Licensing and Disciplinary~~ Fund.

19 (a) The fees for the administration and enforcement of
20 this Act, including, but not limited to, initial licensure,
21 renewal, and restoration, shall be set by rule of the
22 Department. The fees shall be nonrefundable.

23 (b) In addition to the application fee, applicants for the
24 examination are required to pay, either to the Department or
25 the designated testing service, a fee covering the cost of

1 determining an applicant's eligibility and providing the
2 examination. Failure to appear for the examination on the
3 scheduled date, at the time and place specified, after the
4 applicant's application and fee for examination have been
5 received and acknowledged by the Department or the designated
6 testing service, shall result in the forfeiture of the fee.

7 (c) Prior to January 1, 2023, all ~~All~~ fees, fines,
8 penalties, or other monies received or collected pursuant to
9 this Act shall be deposited in the Community Association
10 Manager Licensing and Disciplinary Fund. Beginning on January
11 1, 2023, all fees, fines, penalties, or other monies received
12 or collected pursuant to this Act shall be deposited in the
13 Division of Real Estate General Fund.

14 (d) Moneys in the Community Association Manager Licensing
15 and Disciplinary Fund and the Division of Real Estate General
16 Fund may be transferred to the Professions Indirect Cost Fund,
17 as authorized under Section 2105-300 of the Department of
18 Professional Regulation Law of the Civil Administrative Code
19 of Illinois.

20 (e) Notwithstanding any other provision of law, in
21 addition to any other transfers that may be provided by law, on
22 January 1, 2023, or as soon thereafter as practical, the State
23 Comptroller shall direct and the State Treasurer shall
24 transfer the remaining balance from the Community Association
25 Manager Licensing and Disciplinary Fund into the Division of
26 Real Estate General Fund. Upon completion of the transfer, the

1 Community Association Manager Licensing and Disciplinary Fund
2 is dissolved, and any future deposits due to that Fund and any
3 outstanding obligations or liabilities of that Fund pass to
4 the Division of Real Estate General Fund.

5 (Source: P.A. 102-20, eff. 1-1-22.)

6 Section 25. The Home Inspector License Act is amended by
7 changing Sections 1-10, 5-16, 5-17, 15-5, and 25-5 and by
8 adding Section 15-11 as follows:

9 (225 ILCS 441/1-10)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 1-10. Definitions. As used in this Act, unless the
12 context otherwise requires:

13 "Address of record" means the designated street address,
14 which may not be a post office box, recorded by the Department
15 in the applicant's or licensee's application file or license
16 file as maintained by the Department.

17 "Applicant" means a person who applies to the Department
18 for a license under this Act.

19 "Client" means a person who engages or seeks to engage the
20 services of a home inspector for an inspection assignment.

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

23 "Email address of record" means the designated email
24 address recorded by the Department in the applicant's

1 application file or the licensee's license file, as maintained
2 by the Department.

3 "Home inspection" means the examination and evaluation of
4 the exterior and interior components of residential real
5 property, which includes the inspection of any 2 or more of the
6 following components of residential real property in
7 connection with or to facilitate the sale, lease, or other
8 conveyance of, or the proposed sale, lease or other conveyance
9 of, residential real property:

- 10 (1) heating, ventilation, and air conditioning system;
- 11 (2) plumbing system;
- 12 (3) electrical system;
- 13 (4) structural composition;
- 14 (5) foundation;
- 15 (6) roof;
- 16 (7) masonry structure; or
- 17 (8) any other residential real property component as
18 established by rule.

19 "Home inspector" means a person or entity who, for another
20 and for compensation either direct or indirect, performs home
21 inspections.

22 "Home inspection report" or "inspection report" means a
23 written evaluation prepared and issued by a home inspector
24 upon completion of a home inspection, which meets the
25 standards of practice as established by the Department.

26 "Inspection assignment" means an engagement for which a

1 home inspector is employed or retained to conduct a home
2 inspection and prepare a home inspection report.

3 "License" means the privilege conferred by the Department
4 to a person who has fulfilled all requirements prerequisite to
5 any type of licensure under this Act.

6 "Licensee" means any person licensed under this Act ~~a home
7 inspector, home inspector entity, or home inspector education
8 provider.~~

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

14 "Residential real property" means real property that is
15 used or intended to be used as a residence by one or more
16 individuals.

17 "Secretary" means the Secretary of Financial and
18 Professional Regulation or the Secretary's designee.

19 "Standards of practice" means recognized standards to be
20 used in a home inspection, as determined by the Department and
21 established by rule.

22 (Source: P.A. 102-20, eff. 1-1-22.)

23 (225 ILCS 441/5-16)

24 (Section scheduled to be repealed on January 1, 2027)

25 Sec. 5-16. Renewal of license.

1 (a) The expiration date and renewal period for a home
2 inspector license issued under this Act shall be set by rule.
3 Except as otherwise provided in subsections (b) and (c) of
4 this Section, the holder of a license may renew the license
5 within 90 days preceding the expiration date by:

6 (1) completing and submitting to the Department a
7 renewal application in a manner prescribed by the
8 Department;

9 (2) paying the required fees; and

10 (3) providing evidence of successful completion of the
11 continuing education requirements through courses approved
12 by the Department given by education providers licensed by
13 the Department, as established by rule.

14 (b) A home inspector whose license under this Act has
15 expired may renew the license for a period of 2 years following
16 the expiration date by complying with the requirements of
17 subparagraphs (1), (2), and (3) of subsection (a) of this
18 Section and paying any late penalties established by rule.

19 (c) Notwithstanding subsection (b), a home inspector whose
20 license under this Act has expired may renew the license
21 without paying any lapsed renewal fees or late penalties if
22 (i) the license expired while the home inspector was on active
23 duty with the United States Armed Services, (ii) application
24 for renewal is made within 2 years following the termination
25 of the military service or related education, training, or
26 employment, and (iii) the applicant furnishes to the

1 Department an affidavit that the applicant was so engaged.

2 (d) The Department shall provide reasonable care and due
3 diligence to ensure that each licensee under this Act is
4 provided a renewal application at least 90 days prior to the
5 expiration date, but it is the responsibility of each licensee
6 to renew the license prior to its expiration date.

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

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

18 (Source: P.A. 102-20, eff. 1-1-22.)

19 (225 ILCS 441/5-17)

20 (Section scheduled to be repealed on January 1, 2027)

21 Sec. 5-17. Renewal of home inspector license; entity.

22 (a) The expiration date and renewal period for a home
23 inspector license for an entity that is not a natural person
24 shall be set by rule. The holder of a license may renew the
25 license within 90 days preceding the expiration date by

1 completing and submitting to the Department a renewal
2 application in a manner prescribed by the Department and
3 paying the required fees.

4 (b) An entity that is not a natural person whose license
5 under this Act has expired may renew the license for a period
6 of 2 years following the expiration date by complying with the
7 requirements of subsection (a) of this Section and paying any
8 late penalties established by rule.

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

15 (d) The Department shall not issue a license if the
16 applicant has an unpaid fine imposed by the Department for
17 unlicensed practice until the fine is paid to the Department
18 or the applicant has entered into a payment plan and is current
19 on the required payments.

20 (Source: P.A. 102-20, eff. 1-1-22.)

21 (225 ILCS 441/15-5)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 15-5. Unlicensed practice; civil penalty.

24 (a) Any person who practices, offers to practice, attempts
25 to practice, or holds oneself ~~himself or herself~~ out to

1 practice home inspection or as a home inspector without being
2 licensed under this Act shall, in addition to any other
3 penalty provided by law, pay a civil penalty to the Department
4 in an amount not to exceed \$25,000 for each violation of this
5 Act as determined by the Department. The civil penalty shall
6 be assessed by the Department after a hearing is held in
7 accordance with the provisions of this Act.

8 (b) The Department has the authority and power to
9 investigate any unlicensed activity.

10 (c) A civil penalty shall be paid within 60 days after the
11 effective date of the order imposing the civil penalty. The
12 Department may petition the circuit court for a judgment to
13 enforce the collection of the penalty. Prior to January 1,
14 2023, any ~~Any~~ civil penalties collected under this Act shall
15 be made payable to the Department and deposited into the Home
16 Inspector Administration Fund. Beginning on January 1, 2023,
17 any civil penalties collected under this Act shall be made
18 payable to the Department and deposited into the Division of
19 Real Estate General Fund.

20 (Source: P.A. 97-226, eff. 7-28-11.)

21 (225 ILCS 441/15-11 new)

22 Sec. 15-11. Illegal discrimination. When there has been an
23 adjudication in a civil or criminal proceeding that a licensee
24 has illegally discriminated while engaged in any activity for
25 which a license is required under this Act, the Department,

1 upon the recommendation of the Board as to the extent of the
2 suspension or revocation, shall suspend or revoke the license
3 of that licensee in a timely manner, unless the adjudication
4 is in the appeal process. When there has been an order in an
5 administrative proceeding finding that a licensee has
6 illegally discriminated while engaged in any activity for
7 which a license is required under this Act, the Department,
8 upon recommendation of the Board as to the nature and extent of
9 the discipline, shall take one or more of the disciplinary
10 actions provided for in Section 15-10 of this Act in a timely
11 manner, unless the administrative order is in the appeal
12 process.

13 (225 ILCS 441/25-5)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 25-5. Division of Real Estate General Home Inspector
16 Administration Fund; surcharge.

17 (a) The Home Inspector Administration Fund is created as a
18 special fund in the State Treasury. Prior to January 1, 2023,
19 all All fees, fines, and penalties received by the Department
20 under this Act shall be deposited into the Home Inspector
21 Administration Fund. All earnings attributable to investment
22 of funds in the Home Inspector Administration Fund shall be
23 credited to the Home Inspector Administration Fund. Subject to
24 appropriation, the moneys in the Home Inspector Administration
25 Fund shall be appropriated to the Department for the expenses

1 incurred by the Department in the administration of this Act.

2 (a-5) The Division of Real Estate General Fund is created
3 as a special fund in the State Treasury. Beginning on January
4 1, 2023, all fees, fines, and penalties received by the
5 Department under this Act shall be deposited into the Division
6 of Real Estate General Fund. All earnings attributable to
7 investment of funds in the Division of Real Estate General
8 Fund shall be credited to the Division of Real Estate General
9 Fund. Subject to appropriation, the moneys in the Division of
10 Real Estate General Fund shall be appropriated to the
11 Department for the expenses incurred by the Department in the
12 administration of this Act.

13 (b) (Blank).

14 (c) (Blank).

15 (c-5) Moneys in the Home Inspection Administration Fund
16 and the Division of Real Estate General Fund may be
17 transferred to the Professions Indirect Cost Fund, as
18 authorized under Section 2105-300 of the Department of
19 Professional Regulation Law of the Civil Administrative Code
20 of Illinois.

21 (d) Upon the completion of any audit of the Department, as
22 prescribed by the Illinois State Auditing Act, that includes
23 an audit of the Home Inspector Administration Fund or the
24 Division of Real Estate General Fund, the Department shall
25 make the audit report open to inspection by any interested
26 person.

1 (e) Notwithstanding any other provision of law, in
2 addition to any other transfers that may be provided by law, on
3 January 1, 2023, or as soon thereafter as practical, the State
4 Comptroller shall direct and the State Treasurer shall
5 transfer the remaining balance from the Home Inspector
6 Administration Fund into the Division of Real Estate General
7 Fund. Upon completion of the transfer, the Home Inspector
8 Administration Fund is dissolved, and any future deposits due
9 to that Fund and any outstanding obligations or liabilities of
10 that Fund pass to the Division of Real Estate General Fund.

11 (Source: P.A. 97-226, eff. 7-28-11.)

12 Section 30. The Real Estate License Act of 2000 is amended
13 by changing Sections 1-10, 5-10, 5-25, 5-45, 5-50, 5-70,
14 15-35, 15-45, 20-20, 20-20.1, 20-69, 20-75, 20-110, 25-10,
15 30-15, and 30-25 and by adding Section 25-38 as follows:

16 (225 ILCS 454/1-10)

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

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

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

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

24 "Agency" means a relationship in which a broker or

1 licensee, whether directly or through an affiliated licensee,
2 represents a consumer by the consumer's consent, whether
3 express or implied, in a real property transaction.

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

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

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

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

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

1 estate.

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

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

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

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

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

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

26 (8) Assists or directs in procuring or referring of

1 leads or prospects, intended to result in the sale,
2 exchange, lease, or rental of real estate.

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

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

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

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

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

23 "Broker price opinion" means an estimate or analysis of
24 the probable selling price of a particular interest in real
25 estate, 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
6 sale or rental of real estate. A broker price opinion shall not
7 be considered an appraisal within the meaning of the Real
8 Estate Appraiser Licensing Act of 2002, any amendment to that
9 Act, or 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
21 broker, 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,

1 any 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
24 agreement that (i) was made confidential by the written
25 request or written instruction of the client, (ii) deals with
26 the negotiating position of the client, or (iii) is

1 information the disclosure of which could materially harm the
2 negotiating 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
19 by 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
24 of 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
12 landlord 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
16 of 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",
21 when used to refer to, describe, or delineate the relationship
22 between a sponsoring broker and a managing broker, broker, or
23 a 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
3 consideration deposited with any person for the benefit of the
4 parties to the transaction. A transaction exists once an
5 agreement has been reached and an accepted real estate
6 contract signed or lease agreed to by the parties. Escrow
7 moneys includes without limitation earnest moneys and security
8 deposits, except those security deposits in which the person
9 holding the security deposit is also the sole owner of the
10 property being leased and for which the security deposit is
11 being held.

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

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

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

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

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

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

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

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

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

23 "Managing broker" means a licensee who may be authorized
24 to assume responsibilities as a designated managing broker for
25 licensees in one or, in the case of a multi-office company,
26 more than one office, upon appointment by the sponsoring

1 broker and registration with the Department. A managing broker
2 may act as one's ~~his or her~~ own sponsor.

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

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

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

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

23 "Real estate" means and includes leaseholds as well as any
24 other interest or estate in land, whether corporeal,
25 incorporeal, freehold, or non-freehold and whether the real
26 estate is situated in this State or elsewhere. "Real estate"

1 does not include property sold, exchanged, or leased as a
2 timeshare or similar vacation item or interest, vacation club
3 membership, or other activity formerly regulated under the
4 Real Estate Timeshare Act of 1999 (repealed).

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

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

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

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

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

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

1 "Team" means any 2 or more licensees who work together to
2 provide real estate brokerage services, represent themselves
3 to the public as being part of a team or group, are identified
4 by a team name that is different than their sponsoring
5 broker's name, and together are supervised by the same
6 managing broker and sponsored by the same sponsoring broker.
7 "Team" does not mean a separately organized, incorporated, or
8 legal entity.

9 (Source: P.A. 100-188, eff. 1-1-18; 100-534, eff. 9-22-17;
10 100-831, eff. 1-1-19; 100-863, eff. 8-14-18; 101-357, eff.
11 8-9-19.)

12 (225 ILCS 454/5-10)

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

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

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

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

19 (2) be of good moral character;

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

25 (4) personally take and pass a written examination

1 authorized by the Department sufficient to demonstrate the
2 applicant's knowledge of the provisions of this Act
3 relating to residential leasing agents and the applicant's
4 competence to engage in the activities of a licensed
5 residential leasing agent;

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

19 (6) complete any other requirements as set forth by
20 rule; and

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

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

26 (c) Successfully completed course work, completed pursuant

1 to the requirements of this Section, may be applied to the
2 course work requirements to obtain a managing broker's or
3 broker's license as provided by rule. The Board may recommend
4 to the Department and the Department may adopt requirements
5 for approved courses, course content, and the approval of
6 courses, instructors, and education providers, as well as
7 education provider and instructor fees. The Department may
8 establish continuing education requirements for residential
9 licensed leasing agents, by rule, consistent with the language
10 and intent of this Act, with the advice of the Board.

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

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

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

2 Sec. 5-25. Good moral character.

3 (a) When an applicant has had a ~~his or her~~ license revoked
4 on a prior occasion or when an applicant is found to have
5 committed any of the practices enumerated in Section 20-20 of
6 this Act or when an applicant has been convicted of or enters a
7 plea of guilty or nolo contendere to forgery, embezzlement,
8 obtaining money under false pretenses, larceny, extortion,
9 conspiracy to defraud, or any other similar offense or
10 offenses or has been convicted of a felony involving moral
11 turpitude in any court of competent jurisdiction in this or
12 any other state, district, or territory of the United States
13 or of a foreign country, the Board may consider the prior
14 revocation, conduct, or conviction in its determination of the
15 applicant's moral character and whether to grant the applicant
16 a license.

17 (b) In its consideration of the prior revocation, conduct,
18 or conviction, the Board shall take into account the nature of
19 the conduct, any aggravating or extenuating circumstances, the
20 time elapsed since the revocation, conduct, or conviction, the
21 rehabilitation or restitution performed by the applicant,
22 mitigating factors, and any other factors that the Board deems
23 relevant, including, but not limited to:

24 (1) the lack of direct relation of the offense for
25 which the applicant was previously convicted to the
26 duties, functions, and responsibilities of the position

1 for which a license is sought;

2 (2) unless otherwise specified, whether 5 years since
3 a felony conviction or 3 years since release from
4 confinement for the conviction, whichever is later, have
5 passed without a subsequent conviction;

6 (3) if the applicant was previously licensed or
7 employed in this State or other states or jurisdictions,
8 the lack of prior misconduct arising from or related to
9 the licensed position or position of employment;

10 (4) the age of the person at the time of the criminal
11 offense;

12 (5) if, due to the applicant's criminal conviction
13 history, the applicant would be explicitly prohibited by
14 federal rules or regulations from working in the position
15 for which a license is sought;

16 (6) successful completion of sentence and, for
17 applicants serving a term of parole or probation, a
18 progress report provided by the applicant's probation or
19 parole officer that documents the applicant's compliance
20 with conditions of supervision;

21 (7) evidence of the applicant's present fitness and
22 professional character;

23 (8) evidence of rehabilitation or rehabilitative
24 effort during or after incarceration, or during or after a
25 term of supervision, including, but not limited to, a
26 certificate of good conduct under Section 5-5.5-25 of the

1 Unified Code of Corrections or a certificate of relief
2 from disabilities under Section 5-5.5-10 of the Unified
3 Code of Corrections; and

4 (9) any other mitigating factors that contribute to
5 the person's potential and current ability to perform the
6 job duties.

7 (c) The Department shall not require applicants to report
8 the following information and shall not consider the following
9 criminal history records in connection with an application for
10 licensure or registration:

11 (1) juvenile adjudications of delinquent minors as
12 defined in Section 5-105 of the Juvenile Court Act of 1987
13 subject to the restrictions set forth in Section 5-130 of
14 that Act;

15 (2) law enforcement records, court records, and
16 conviction records of an individual who was 17 years old
17 at the time of the offense and before January 1, 2014,
18 unless the nature of the offense required the individual
19 to be tried as an adult;

20 (3) records of arrests not followed by a charge or
21 conviction;

22 (4) records of arrests where the charges were
23 dismissed unless related to the practice of the
24 profession; however, applicants shall not be asked to
25 report any arrests, and an arrest not followed by a
26 conviction shall not be the basis of a denial and may be

1 used only to assess an applicant's rehabilitation;

2 (5) convictions overturned by a higher court; or

3 (6) convictions or arrests that have been sealed or
4 expunged.

5 (d) If an applicant makes a false statement of material
6 fact on the ~~his or her~~ application, the false statement may in
7 itself be sufficient grounds to revoke or refuse to issue a
8 license.

9 (e) A licensee shall report to the Department, in a manner
10 prescribed by the Department and within 30 days after the
11 occurrence of: (1) any conviction of or adopted by rule, any
12 plea of guilty, or nolo contendere to forgery, embezzlement,
13 obtaining money under false pretenses, larceny, extortion,
14 conspiracy to defraud, or any similar offense or offenses or
15 any conviction of a felony involving moral turpitude; (2) the
16 entry of an administrative sanction by a government agency in
17 this State or any other jurisdiction that has as an essential
18 element dishonesty or fraud or involves larceny, embezzlement,
19 or obtaining money, property, or credit by false pretenses; or
20 (3) any crime that subjects the licensee to compliance with
21 the requirements of the Sex Offender Registration Act ~~that~~
22 ~~occurs during the licensee's term of licensure.~~

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

24 (225 ILCS 454/5-45)

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

1 Sec. 5-45. Offices.

2 (a) If a sponsoring broker maintains more than one office
3 within the State, the sponsoring broker shall notify the
4 Department in a manner prescribed by the Department for each
5 office other than the sponsoring broker's principal place of
6 business. The brokerage license shall be displayed
7 conspicuously in each office. The name of each branch office
8 shall be the same as that of the sponsoring broker's principal
9 office or shall clearly delineate the office's relationship
10 with the principal office.

11 (b) The sponsoring broker shall name a designated managing
12 broker for each office and the sponsoring broker shall be
13 responsible for supervising all designated managing brokers.
14 The sponsoring broker shall notify the Department in a manner
15 prescribed by the Department of the name of all designated
16 managing brokers of the sponsoring broker and the office or
17 offices they manage. Any changes in designated managing
18 brokers shall be reported to the Department in a manner
19 prescribed by the Department within 15 days of the change.
20 Failure to do so shall subject the sponsoring broker to
21 discipline under Section 20-20 of this Act.

22 (c) The sponsoring broker shall, within 24 hours, notify
23 the Department in a manner prescribed by the Department of any
24 opening, closing, or change in location of any office.

25 (d) Except as provided in this Section, each sponsoring
26 broker shall maintain an office, or place of business within

1 this State for the transaction of real estate business, shall
2 conspicuously display an identification sign on the outside of
3 his or her physical office of adequate size and visibility.
4 Any record required by this Act to be created or maintained
5 shall be, in the case of a physical record, securely stored and
6 accessible for inspection by the Department at the sponsoring
7 broker's principal office and, in the case of an electronic
8 record, securely stored in the format in which it was
9 originally generated, sent, or received and accessible for
10 inspection by the Department by secure electronic access to
11 the record. Any record relating to a transaction of a special
12 account shall be maintained for a minimum of 5 years, and any
13 electronic record shall be backed up at least monthly. The
14 office or place of business shall not be located in any retail
15 or financial business establishment unless it is clearly
16 separated from the other business and is situated within a
17 distinct area within the establishment.

18 (e) A broker who is licensed in this State by examination
19 or pursuant to the provisions of Section 5-60 of this Act shall
20 not be required to maintain a definite office or place of
21 business in this State provided all of the following
22 conditions are met:

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

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

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

9 The statements under subdivision (3) of this Section shall
10 be in form and substance the same as those statements required
11 under Section 5-60 of this Act and shall operate to the same
12 extent.

13 (f) The Department may adopt rules to ~~permit and~~ regulate
14 the operation of virtual offices that do not have a fixed
15 location.

16 (Source: P.A. 100-831, eff. 1-1-19; 101-357, eff. 8-9-19.)

17 (225 ILCS 454/5-50)

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

19 Sec. 5-50. Expiration and renewal of managing broker,
20 broker, or residential leasing agent license; sponsoring
21 broker; register of licensees.

22 (a) The expiration date and renewal period for each
23 license issued under this Act shall be set by rule. Except as
24 otherwise provided in this Section, the holder of a license
25 may renew the license within 90 days preceding the expiration

1 date thereof by completing the continuing education required
2 by this Act and paying the fees specified by rule.

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

10 The Board may recommend, and the Department shall approve,
11 45 hours of post-license education, consisting of three
12 15-hour post-license courses, one each that covers applied
13 brokerage principles, risk management/discipline, and
14 transactional issues. Each of the courses shall require its
15 own 50-question final examination, which shall be administered
16 by the education provider that delivers the course.

17 Individuals whose first license is that of a broker
18 received on or after the effective date of this amendatory Act
19 of the 101st General Assembly, must complete all three 15-hour
20 courses and successfully pass a course final examination for
21 each course prior to the date of the next broker renewal
22 deadline, except for those individuals who receive their first
23 license within the 180 days preceding the next broker renewal
24 deadline, who must complete all three 15-hour courses and
25 successfully pass a course final examination for each course
26 prior to the second broker renewal deadline that follows the

1 receipt of their license.

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

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

1 military service, or (iii) serving as the Coordinator of Real
2 Estate in the State of Illinois or as an employee of the
3 Department may have the ~~his or her~~ license renewed, reinstated
4 or restored without paying any lapsed renewal fees if within 2
5 years after the termination of the service, training or
6 education by furnishing the Department with satisfactory
7 evidence of service, training, or education and it has been
8 terminated under honorable conditions.

9 (e) Each licensee shall carry on one's ~~his or her~~ person
10 the ~~his or her~~ license or an electronic version thereof.

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

16 (g) Upon request from the sponsoring broker, the
17 Department shall make available to the sponsoring broker, by
18 electronic means at the discretion of the Department, a
19 listing of licensees under this Act who, according to the
20 records of the Department, are sponsored by that broker. Every
21 licensee associated with or employed by a broker whose license
22 is revoked, suspended, or expired shall be considered inactive
23 until such time as the sponsoring broker's license is
24 reinstated or renewed, or a new valid sponsorship is
25 registered with the Department ~~the licensee changes employment~~
26 as set forth in subsection (b) ~~(c)~~ of Section 5-40 of this Act.

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

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

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

13 (225 ILCS 454/5-70)

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

15 Sec. 5-70. Continuing education requirement; managing
16 broker or broker.

17 (a) The requirements of this Section apply to all managing
18 brokers and brokers.

19 (b) Except as otherwise provided in this Section, each
20 person who applies for renewal of a ~~his or her~~ license as a
21 managing broker or broker must successfully complete 12 hours
22 of real estate continuing education courses recommended by the
23 Board and approved by the Department during the current term
24 of the license. In addition, those licensees renewing or
25 obtaining a managing broker's license must successfully

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

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

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

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

16 or

17 (4) are admitted to practice law pursuant to Illinois
18 Supreme Court rule.

19 (c) (Blank).

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

24 (e) The continuing education requirement for brokers and
25 managing brokers shall consist of a single core curriculum and
26 an elective curriculum, to be recommended by the Board and

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

1 curriculum, the Board shall consider subjects that cover the
2 various aspects of the practice of real estate that are
3 covered under the scope of this Act.

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

9 (1) license law and escrow;

10 (2) antitrust;

11 (3) fair housing;

12 (4) agency;

13 (5) appraisal;

14 (6) property management;

15 (7) residential brokerage;

16 (8) farm property management;

17 (9) transaction management rights and duties of
18 parties in a transaction;

19 (10) commercial brokerage and leasing;

20 (11) real estate financing;

21 (12) disclosures;

22 (13) residential leasing agent management;

23 (14) advertising;

24 (15) broker supervision and designated managing broker
25 responsibility;

26 (16) professional conduct; and

1 (17) use of technology.

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

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

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

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

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

26 (l) Except as specifically provided in this Act,

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

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

12 (225 ILCS 454/15-35)

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

14 Sec. 15-35. Agency relationship disclosure.

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

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

22 (2) The name or names of the ~~his or her~~ designated
23 agent or agents on the written disclosure, which can be
24 included in a brokerage agreement or be a separate
25 document, a copy of which is retained by the sponsoring

1 broker ~~real estate brokerage firm~~ for the licensee.

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

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

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

13 (225 ILCS 454/15-45)

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

15 Sec. 15-45. Dual agency.

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

22 "The undersigned (insert name(s)), ("Licensee"), may
23 undertake a dual representation (represent both the seller
24 or landlord and the buyer or tenant) for the sale or lease
25 of property. The undersigned acknowledge they were

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

17 WHAT A LICENSEE CAN DO FOR CLIENTS

18 WHEN ACTING AS A DUAL AGENT

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

1 6. Help the buyer or tenant to arrange for property
2 inspections.

3 7. Explain closing costs and procedures.

4 8. Help the buyer compare financing alternatives.

5 9. Provide information about comparable properties that
6 have sold so both clients may make educated decisions on
7 what price to accept or offer.

8 WHAT LICENSEE CANNOT DISCLOSE TO CLIENTS WHEN

9 ACTING AS A DUAL AGENT

10 1. Confidential information that Licensee may know about a
11 client, without that client's permission.

12 2. The price or terms the seller or landlord will take
13 other than the listing price without permission of the
14 seller or landlord.

15 3. The price or terms the buyer or tenant is willing to pay
16 without permission of the buyer or tenant.

17 4. A recommended or suggested price or terms the buyer or
18 tenant should offer.

19 5. A recommended or suggested price or terms the seller or
20 landlord should counter with or accept.

21 If either client is uncomfortable with this disclosure
22 and dual representation, please let Licensee know. You are
23 not required to sign this document unless you want to
24 allow Licensee to proceed as a Dual Agent in this
25 transaction. By signing below, you acknowledge that you
26 have read and understand this form and voluntarily consent

1 to Licensee acting as a Dual Agent (that is, to represent
2 BOTH the seller or landlord and the buyer or tenant)
3 should that become necessary."

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

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

22 "The undersigned confirm that they have previously
23 consented to (insert name(s)), ("Licensee"), acting as a
24 Dual Agent in providing brokerage services on their behalf
25 and specifically consent to Licensee acting as a Dual
26 Agent in regard to the transaction referred to in this

1 document."

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

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

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

22 (g) A licensee shall not serve as a dual agent in any
23 transaction when the licensee, or an entity in which the
24 licensee has or will have any ownership interest, is a party to
25 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
9 Act or any person who holds oneself ~~himself or herself~~ out as
10 an applicant or licensee or against a licensee in handling
11 one's ~~his or her~~ own property, whether held by deed, option, or
12 otherwise, for any one or any combination of the following
13 causes:

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

17 (2) The licensee's conviction of or plea of guilty or
18 plea of nolo contendere, as set forth in subsection (e) of
19 Section 5-25, to: (A) a felony or misdemeanor in this
20 State or any other jurisdiction; ~~or~~ (B) the entry of an
21 administrative sanction by a government agency in this
22 State or any other jurisdiction; or (C) any crime that
23 subjects the licensee to compliance with the requirements
24 of the Sex Offender Registration Act. ~~Action taken under~~
25 ~~this paragraph (2) for a misdemeanor or an administrative~~

1 ~~sanction is limited to a misdemeanor or administrative~~
2 ~~sanction that has as an essential element dishonesty or~~
3 ~~fraud or involves larceny, embezzlement, or obtaining~~
4 ~~money, property, or credit by false pretenses or by means~~
5 ~~of a confidence game.~~

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

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

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

24 (6) Engaging in the practice of real estate brokerage
25 without a license or after the licensee's license or
26 temporary permit was expired or while the license was

1 inactive, revoked, or suspended.

2 (7) Cheating on or attempting to subvert the Real
3 Estate License Exam or a continuing education course or
4 examination.

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

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

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

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

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

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

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

23 (15) Representing or attempting to represent, or
24 performing licensed activities for, a broker other than
25 the sponsoring broker.

26 (16) Failure to account for or to remit any moneys or

1 documents coming into the licensee's ~~his or her~~ possession
2 that belong to others.

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

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

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

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

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

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

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

20 (20) Failure of a sponsoring broker or licensee to
21 timely provide sponsorship or termination of sponsorship
22 information to the Department.

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

1 (22) Commingling the money or property of others with
2 the licensee's ~~his or her~~ own money or property.

3 (23) Employing any person on a purely temporary or
4 single deal basis as a means of evading the law regarding
5 payment of commission to nonlicensees on some contemplated
6 transactions.

7 (24) Permitting the use of one's ~~his or her~~ license as
8 a broker to enable a residential leasing agent or
9 unlicensed person to operate a real estate business
10 without actual participation therein and control thereof
11 by the broker.

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

15 (26) Displaying a "for rent" or "for sale" sign on any
16 property without the written consent of an owner or the
17 owner's ~~his or her~~ duly authorized agent or advertising by
18 any means that any property is for sale or for rent without
19 the written consent of the owner or the owner's ~~his or her~~
20 authorized agent.

21 (27) Failing to provide information requested by the
22 Department, or otherwise respond to that request, within
23 30 days of the request.

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

1 (29) A licensee under this Act or an unlicensed
2 individual offering guaranteed sales plans, as defined in
3 Section 10-50, except to the extent set forth in Section
4 10-50.

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

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

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

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

1 broker.

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

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

19 (36) (Blank).

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

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

24 (39) Requiring a party to a transaction who is not a
25 client of the licensee to allow the licensee to retain a
26 portion of the escrow moneys for payment of the licensee's

1 commission or expenses as a condition for release of the
2 escrow moneys to that party.

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

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

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

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

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

1 (45) Failing to notify the Department, ~~of any criminal~~
2 ~~conviction that occurs during the licensee's term of~~
3 ~~licensure~~ within 30 days after the occurrence, of the
4 information required in subsection (e) of Section 5-25
5 ~~conviction.~~

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

9 (b) The Department may refuse to issue or renew or may
10 suspend the license of any person who fails to file a return,
11 pay the tax, penalty or interest shown in a filed return, or
12 pay any final assessment of tax, penalty, or interest, as
13 required by any tax Act administered by the Department of
14 Revenue, until such time as the requirements of that tax Act
15 are satisfied in accordance with subsection (g) of Section
16 2105-15 of the Department of Professional Regulation Law of
17 the Civil Administrative Code of Illinois.

18 (c) (Blank).

19 (d) In cases where the Department of Healthcare and Family
20 Services (formerly Department of Public Aid) has previously
21 determined that a licensee or a potential licensee is more
22 than 30 days delinquent in the payment of child support and has
23 subsequently certified the delinquency to the Department may
24 refuse to issue or renew or may revoke or suspend that person's
25 license or may take other disciplinary action against that
26 person based solely upon the certification of delinquency made

1 by the Department of Healthcare and Family Services in
2 accordance with item (5) of subsection (a) of Section 2105-15
3 of the Department of Professional Regulation Law of the Civil
4 Administrative Code of Illinois.

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

26 ~~If the Department or Board finds an individual unable to~~

1 ~~practice because of the reasons set forth in this Section, the~~
2 ~~Department or Board may require that individual to submit to~~
3 ~~care, counseling, or treatment by physicians approved or~~
4 ~~designated by the Department or Board, as a condition, term,~~
5 ~~or restriction for continued, reinstated, or renewed licensure~~
6 ~~to practice; or, in lieu of care, counseling, or treatment,~~
7 ~~the Department may file, or the Board may recommend to the~~
8 ~~Department to file, a complaint to immediately suspend,~~
9 ~~revoke, or otherwise discipline the license of the individual.~~
10 ~~An individual whose license was granted, continued,~~
11 ~~reinstated, renewed, disciplined or supervised subject to such~~
12 ~~terms, conditions, or restrictions, and who fails to comply~~
13 ~~with such terms, conditions, or restrictions, shall be~~
14 ~~referred to the Secretary for a determination as to whether~~
15 ~~the individual shall have his or her license suspended~~
16 ~~immediately, pending a hearing by the Department.~~

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

26 ~~An individual licensed under this Act and affected under~~

1 ~~this Section shall be afforded an opportunity to demonstrate~~
2 ~~to the Department or Board that he or she can resume practice~~
3 ~~in compliance with acceptable and prevailing standards under~~
4 ~~the provisions of his or her license.~~

5 (Source: P.A. 100-22, eff. 1-1-18; 100-188, eff. 1-1-18;
6 100-534, eff. 9-22-17; 100-831, eff. 1-1-19; 100-863, eff.
7 8-14-18; 100-872, eff. 8-14-18; 101-81, eff. 7-12-19; 101-357,
8 eff. 8-9-19.)

9 (225 ILCS 454/20-20.1)

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

11 Sec. 20-20.1. Citations.

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

1 (b) Service of a citation shall be made by in person,
2 electronically, or by mail to the licensee at the licensee's
3 address of record or email address of record, and must clearly
4 state that if the cited licensee wishes to dispute the
5 citation, the cited licensee ~~he or she~~ may make a written
6 request, within 30 days after the citation is served, for a
7 hearing before the Department. If the cited licensee does not
8 request a hearing within 30 days after the citation is served,
9 then the citation shall become a final, non-disciplinary
10 order, and any fine imposed is due and payable within 60 days
11 after that final order. If the cited licensee requests a
12 hearing within 30 days after the citation is served, the
13 Department shall afford the cited licensee a hearing conducted
14 in the same manner as a hearing provided for in this Act for
15 any violation of this Act and shall determine whether the
16 cited licensee committed the violation as charged and whether
17 the fine as levied is warranted. If the violation is found, any
18 fine shall constitute non-public discipline and be due and
19 payable within 30 days after the order of the Secretary, which
20 shall constitute a final order of the Department. No change in
21 license status may be made by the Department until such time as
22 a final order of the Department has been issued.

23 (c) Payment of a fine that has been assessed pursuant to
24 this Section shall not constitute disciplinary action
25 reportable on the Department's website or elsewhere unless a
26 licensee has previously received 2 or more citations and has

1 been assessed ~~paid~~ 2 or more fines.

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

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

6 (225 ILCS 454/20-69)

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

8 Sec. 20-69. Restoration of a suspended or revoked license.

9 At any time after the successful completion of a term of
10 suspension or revocation of an individual's ~~a~~ license, the
11 Department may restore it to the licensee, upon the written
12 recommendation of the Board, unless after an investigation and
13 a hearing the Board determines that restoration is not in the
14 public interest.

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

16 (225 ILCS 454/20-75)

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

18 Sec. 20-75. Administrative Review venue.

19 (a) All final administrative decisions of the Department
20 are subject to judicial review under the Administrative Review
21 Law and its rules. The term "administrative decision" is
22 defined in Section 3-101 of the Code of Civil Procedure.

23 (b) Proceedings for judicial review shall be commenced in
24 the circuit court of the court in which the party applying for

1 review resides, but if the party is not a resident of Illinois,
2 the venue shall be in Sangamon County or Cook County.

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

4 (225 ILCS 454/20-110)

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

6 Sec. 20-110. Disciplinary actions of the Department not
7 limited. Nothing contained in Sections 20-82 ~~20-80~~ through
8 20-100 of this Act limits the authority of the Department to
9 take disciplinary action against any licensee for a violation
10 of this Act or the rules of the Department, nor shall the
11 repayment in full of all obligations to the Real Estate
12 Recovery Fund by any licensee nullify or modify the effect of
13 any other disciplinary proceeding brought pursuant to this
14 Act.

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

16 (225 ILCS 454/25-10)

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

18 Sec. 25-10. Real Estate Administration and Disciplinary
19 Board; duties. There is created the Real Estate Administration
20 and Disciplinary Board. The Board shall be composed of 15
21 persons appointed by the Governor. Members shall be appointed
22 to the Board subject to the following conditions:

23 (1) All members shall have been residents and citizens
24 of this State for at least 6 years prior to the date of

1 appointment.

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

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

8 None of these members shall be (i) a person who is licensed
9 under this Act or a similar Act of another jurisdiction, (ii)
10 the spouse or immediate family member of a licensee, or (iii) a
11 person who has an ownership interest in a real estate
12 brokerage business, ~~or (iv) a person the Department determines~~
13 ~~to have any other connection with a real estate brokerage~~
14 ~~business or a licensee.~~

15 The members' terms shall be for 4 years and until a
16 successor is appointed ~~expire upon completion of the term~~. No
17 member shall be reappointed to the Board for a term that would
18 cause the member's ~~his or her~~ cumulative service to the Board
19 to exceed 10 years. Appointments to fill vacancies shall be
20 for the unexpired portion of the term. Those members of the
21 Board that satisfy the requirements of paragraph (2) shall be
22 chosen in a manner such that no area of the State shall be
23 unreasonably represented. In making the appointments, the
24 Governor shall give due consideration to the recommendations
25 by members and organizations of the profession. The Governor
26 may terminate the appointment of any member for cause that in

1 the opinion of the Governor reasonably justifies the
2 termination. Cause for termination shall include without
3 limitation misconduct, incapacity, neglect of duty, or missing
4 board meetings during any one fiscal ~~calendar~~ year. Each
5 member of the Board may receive a per diem stipend in an amount
6 to be determined by the Secretary. While engaged in the
7 performance of duties, each ~~Each~~ member shall be reimbursed
8 for ~~paid his or her~~ necessary expenses ~~while engaged in the~~
9 ~~performance of his or her duties~~. Such compensation and
10 expenses shall be paid out of the Real Estate License
11 Administration Fund. The Secretary shall consider the
12 recommendations of the Board on questions involving standards
13 of professional conduct, discipline, education, and policies
14 and procedures under this Act. With regard to this subject
15 matter, the Secretary may establish temporary or permanent
16 committees of the Board and may consider the recommendations
17 of the Board on matters that include, but are not limited to,
18 criteria for the licensing and renewal of education providers,
19 pre-license and continuing education instructors, pre-license
20 and continuing education curricula, standards of educational
21 criteria, and qualifications for licensure and renewal of
22 professions, courses, and instructors. The Department, after
23 notifying and considering the recommendations of the Board, if
24 any, may issue rules, consistent with the provisions of this
25 Act, for the administration and enforcement thereof and may
26 prescribe forms that shall be used in connection therewith.

1 Eight Board members shall constitute a quorum. A quorum is
2 required for all Board decisions. A vacancy in the membership
3 of the Board shall not impair the right of a quorum to exercise
4 all of the rights and perform all of the duties of the Board.

5 The Board shall elect annually, at its first meeting of
6 the fiscal year, a vice chairperson who shall preside, with
7 voting privileges, at meetings when the chairperson is not
8 present. Members of the Board shall be immune from suit in an
9 action based upon any disciplinary proceedings or other acts
10 performed in good faith as members of the Board.

11 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18;
12 100-886, eff. 8-14-18.)

13 (225 ILCS 454/25-38 new)

14 Sec. 25-38. Real Estate Audit Fund. Notwithstanding any
15 other provision of law, in addition to any other transfers
16 that may be provided by law, on January 1, 2023, or as soon
17 thereafter as practical, the State Comptroller shall direct
18 and the State Treasurer shall transfer the remaining balance
19 from the Real Estate Audit Fund into the Real Estate License
20 Administration Fund. Upon completion of the transfer, the Real
21 Estate Audit Fund is dissolved, and any future deposits due to
22 that Fund and any outstanding obligations or liabilities of
23 that Fund pass to the Real Estate License Administration Fund.
24 This Section is repealed on July 1, 2023.

1 (225 ILCS 454/30-15)

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

3 Sec. 30-15. Licensing of education providers; approval of
4 courses.

5 (a) (Blank).

6 (b) (Blank).

7 (c) (Blank).

8 (d) (Blank).

9 (e) (Blank).

10 (f) All education providers shall submit, at the time of
11 initial application and with each license renewal, a list of
12 courses with course materials that comply with the course
13 requirements in this Act to be offered by the education
14 provider. The Department may establish an online mechanism by
15 which education providers may submit for approval by the
16 Department upon the recommendation of the Board or its
17 designee pre-license, post-license, or continuing education
18 courses that are submitted after the time of the education
19 provider's initial license application or renewal. The
20 Department shall provide to each education provider a
21 certificate for each approved pre-license, post-license, or
22 continuing education course. All pre-license, post-license, or
23 continuing education courses shall be valid for the period
24 coinciding with the term of license of the education provider.
25 However, in no case shall a course continue to be valid if it
26 does not, at all times, meet all of the requirements of the

1 core curriculum established by this Act and the Board, as
2 modified from time to time in accordance with this Act. All
3 education providers shall provide a copy of the certificate of
4 the pre-license, post-license, or continuing education course
5 within the course materials given to each student or shall
6 display a copy of the certificate of the pre-license,
7 post-license, or continuing education course in a conspicuous
8 place at the location of the class.

9 (g) Each education provider shall provide to the
10 Department a report in a frequency and format determined by
11 the Department, with information concerning students who
12 successfully completed all approved pre-license, post-license,
13 or continuing education courses offered by the education
14 provider.

15 (h) The Department, upon the recommendation of the Board,
16 may temporarily suspend a licensed education provider's
17 approved courses without hearing and refuse to accept
18 successful completion of or participation in any of these
19 pre-license, post-license, or continuing education courses for
20 education credit from that education provider upon the failure
21 of that education provider to comply with the provisions of
22 this Act or the rules for the administration of this Act, until
23 such time as the Department receives satisfactory assurance of
24 compliance. The Department shall notify the education provider
25 of the noncompliance and may initiate disciplinary proceedings
26 pursuant to this Act. The Department may refuse to issue,

1 suspend, revoke, or otherwise discipline the license of an
2 education provider or may withdraw approval of a pre-license,
3 post-license, or continuing education course for good cause.
4 Failure to comply with the requirements of this Section or any
5 other requirements established by rule shall be deemed to be
6 good cause. Disciplinary proceedings shall be conducted by the
7 Board in the same manner as other disciplinary proceedings
8 under this Act.

9 (i) Pre-license, post-license, and continuing education
10 courses, whether submitted for approval at the time of an
11 education provider's initial application for licensure or
12 otherwise, must meet the following minimum course
13 requirements:

14 (1) Continuing education courses ~~No continuing~~
15 ~~education course~~ shall be required to be at least one hour
16 ~~taught in increments longer than 2 hours~~ in duration. For
17 ~~;~~ ~~however,~~ ~~for~~ each one hour of course time ~~in each course,~~
18 there shall be a minimum of 50 minutes of instruction.

19 (2) All core curriculum courses shall be provided only
20 in the classroom or through a live, interactive webinar or
21 online distance education format.

22 (3) Courses provided through a live, interactive
23 webinar shall require all participants to demonstrate
24 their attendance in and attention to the course by
25 answering or responding to at least one polling question
26 per 50 minutes of course instruction.

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

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

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

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

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

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

21 (225 ILCS 454/30-25)

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

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

24 (a) No person shall act as either a pre-license or
25 continuing education instructor without possessing a valid

1 pre-license or continuing education instructor license and
2 satisfying any other qualification criteria adopted by the
3 Department by rule.

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

16 (b) Every person who desires to obtain an education
17 provider instructor's license shall attend and successfully
18 complete a one-day instructor development workshop, as
19 approved by the Department. However, pre-license instructors
20 who have complied with subsection (b) of this Section 30-25
21 shall not be required to complete the instructor workshop in
22 order to teach continuing education elective curriculum
23 courses.

24 (b-5) The term of licensure for a pre-license or
25 continuing education instructor shall be 2 years, with renewal
26 dates adopted by rule. Every person who desires to obtain a

1 pre-license or continuing education instructor license shall
2 make application to the Department in a manner prescribed by
3 the Department, accompanied by the fee adopted by rule. In
4 addition to any other information required to be contained in
5 the application, every application for an original license
6 shall include the applicant's Social Security number, which
7 shall be retained in the agency's records pertaining to the
8 license. As soon as practical, the Department shall assign a
9 customer's identification number to each applicant for a
10 license.

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

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

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

1 thereof as a requirement for renewal of the instructor's
2 license.

3 (d) Each course transcript submitted by an education
4 provider to the Department shall include the name and license
5 number of the pre-license or continuing education instructor
6 for the course.

7 (e) Licensed education provider instructors may teach for
8 more than one licensed education provider.

9 (f) The Department may adopt any administrative rule
10 consistent with the language and intent of this Act that may be
11 necessary for the implementation and enforcement of this
12 Section.

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

14 (225 ILCS 454/20-21 rep.)

15 Section 35. The Real Estate License Act of 2000 is amended
16 by repealing Section 20-21.

17 (225 ILCS 456/Act rep.)

18 Section 40. The Real Estate Regulation Transfer Act is
19 repealed.

20 Section 45. The Real Estate Appraiser Licensing Act of
21 2002 is amended by changing Sections 1-10, 5-25, and 25-10 as
22 follows:

1 (225 ILCS 458/1-10)

2 (Section scheduled to be repealed on January 1, 2027)

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

5 "Accredited college or university, junior college, or
6 community college" means a college or university, junior
7 college, or community college that is approved or accredited
8 by the Board of Higher Education, a regional or national
9 accreditation association, or by an accrediting agency that is
10 recognized by the U.S. Secretary of Education.

11 "Address of record" means the designated street address,
12 which may not be a post office box, recorded by the Department
13 in the applicant's or licensee's application file or license
14 file as maintained by the Department.

15 "Applicant" means a person who applies to the Department
16 for a license under this Act.

17 "Appraisal" means (noun) the act or process of developing
18 an opinion of value; an opinion of value (adjective) of or
19 pertaining to appraising and related functions, such as
20 appraisal practice or appraisal services.

21 "Appraisal assignment" means a valuation service provided
22 pursuant to an agreement between an appraiser and a client.

23 "Appraisal firm" means an appraisal entity that is 100%
24 owned and controlled by a person or persons licensed in
25 Illinois as a certified general real estate appraiser or a
26 certified residential real estate appraiser. "Appraisal firm"

1 does not include an appraisal management company.

2 "Appraisal management company" means any corporation,
3 limited liability company, partnership, sole proprietorship,
4 subsidiary, unit, or other business entity that directly or
5 indirectly: (1) provides appraisal management services to
6 creditors or secondary mortgage market participants, including
7 affiliates; (2) provides appraisal management services in
8 connection with valuing the consumer's principal dwelling as
9 security for a consumer credit transaction (including consumer
10 credit transactions incorporated into securitizations); and
11 (3) any appraisal management company that, within a given
12 12-month period, oversees an appraiser panel of 16 or more
13 State-certified appraisers in Illinois or 25 or more
14 State-certified or State-licensed appraisers in 2 or more
15 jurisdictions. "Appraisal management company" includes a
16 hybrid entity.

17 "Appraisal practice" means valuation services performed by
18 an individual acting as an appraiser, including, but not
19 limited to, appraisal or appraisal review.

20 "Appraisal report" means any communication, written or
21 oral, of an appraisal or appraisal review that is transmitted
22 to a client upon completion of an assignment.

23 "Appraisal review" means the act or process of developing
24 and communicating an opinion about the quality of another
25 appraiser's work that was performed as part of an appraisal,
26 appraisal review, or appraisal assignment.

1 "Appraisal Subcommittee" means the Appraisal Subcommittee
2 of the Federal Financial Institutions Examination Council as
3 established by Title XI.

4 "Appraiser" means a person who performs real estate or
5 real property appraisals competently and in a manner that is
6 independent, impartial, and objective.

7 "Appraiser panel" means a network, list, or roster of
8 licensed or certified appraisers approved by the appraisal
9 management company or by the end-user client to perform
10 appraisals as independent contractors for the appraisal
11 management company. "Appraiser panel" includes both appraisers
12 accepted by an appraisal management company for consideration
13 for future appraisal assignments and appraisers engaged by an
14 appraisal management company to perform one or more
15 appraisals. For the purposes of determining the size of an
16 appraiser panel, only independent contractors of hybrid
17 entities shall be counted towards the appraiser panel.

18 "AQB" means the Appraisal Qualifications Board of the
19 Appraisal Foundation.

20 "Associate real estate trainee appraiser" means an
21 entry-level appraiser who holds a license of this
22 classification under this Act with restrictions as to the
23 scope of practice in accordance with this Act.

24 "Automated valuation model" means an automated system that
25 is used to derive a property value through the use of available
26 property records and various analytic methodologies such as

1 comparable sales prices, home characteristics, and price
2 changes.

3 "Board" means the Real Estate Appraisal Administration and
4 Disciplinary Board.

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

15 "Classroom hour" means 50 minutes of instruction out of
16 each 60-minute segment of coursework.

17 "Client" means the party or parties who engage an
18 appraiser by employment or contract in a specific appraisal
19 assignment.

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

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

7 "Coordinator" means the Real Estate Appraisal Coordinator
8 created in Section 25-15.

9 "Department" means the Department of Financial and
10 Professional Regulation.

11 "Email address of record" means the designated email
12 address recorded by the Department in the applicant's
13 application file or the licensee's license file maintained by
14 the Department.

15 "Evaluation" means a valuation permitted by the appraisal
16 regulations of the Federal Financial Institutions Examination
17 Council and its federal agencies for transactions that qualify
18 for the appraisal threshold exemption, business loan
19 exemption, or subsequent transaction exemption.

20 "Federal financial institutions regulatory agencies" means
21 the Board of Governors of the Federal Reserve System, the
22 Federal Deposit Insurance Corporation, the Office of the
23 Comptroller of the Currency, the Consumer Financial Protection
24 Bureau, and the National Credit Union Administration.

25 "Federally related transaction" means any real
26 estate-related financial transaction in which a federal

1 financial institutions regulatory agency engages in, contracts
2 for, or regulates and requires the services of an appraiser.

3 "Financial institution" means any bank, savings bank,
4 savings and loan association, credit union, mortgage broker,
5 mortgage banker, licensee under the Consumer Installment Loan
6 Act or the Sales Finance Agency Act, or a corporate fiduciary,
7 subsidiary, affiliate, parent company, or holding company of
8 any such licensee, or any institution involved in real estate
9 financing that is regulated by state or federal law.

10 "Hybrid entity" means an appraisal management company that
11 hires an appraiser as an employee to perform an appraisal and
12 engages an independent contractor to perform an appraisal.

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

16 "Licensee" means any person licensed under this Act ~~, as~~
17 ~~defined in this Section, who holds a valid unexpired license.~~

18 "Multi-state licensing system" means a web-based platform
19 that allows an applicant to submit the application or license
20 renewal application to the Department online.

21 "Person" means an individual, entity, sole proprietorship,
22 corporation, limited liability company, partnership, and joint
23 venture, foreign or domestic, except that when the context
24 otherwise requires, the term may refer to more than one
25 individual or other described entity.

26 "Real estate" means an identified parcel or tract of land,

1 including any improvements.

2 "Real estate related financial transaction" means any
3 transaction involving:

4 (1) the sale, lease, purchase, investment in, or
5 exchange of real property, including interests in property
6 or the financing thereof;

7 (2) the refinancing of real property or interests in
8 real property; and

9 (3) the use of real property or interest in property
10 as security for a loan or investment, including mortgage
11 backed securities.

12 "Real property" means the interests, benefits, and rights
13 inherent in the ownership of real estate.

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation or the Secretary's designee.

16 "State certified general real estate appraiser" means an
17 appraiser who holds a license of this classification under
18 this Act and such classification applies to the appraisal of
19 all types of real property without restrictions as to the
20 scope of practice.

21 "State certified residential real estate appraiser" means
22 an appraiser who holds a license of this classification under
23 this Act and such classification applies to the appraisal of
24 one to 4 units of residential real property without regard to
25 transaction value or complexity, but with restrictions as to
26 the scope of practice in a federally related transaction in

1 accordance with Title XI, the provisions of USPAP, criteria
2 established by the AQB, and further defined by rule.

3 "Supervising appraiser" means either (i) an appraiser who
4 holds a valid license under this Act as either a State
5 certified general real estate appraiser or a State certified
6 residential real estate appraiser, who co-signs an appraisal
7 report for an associate real estate trainee appraiser or (ii)
8 a State certified general real estate appraiser who holds a
9 valid license under this Act who co-signs an appraisal report
10 for a State certified residential real estate appraiser on
11 properties other than one to 4 units of residential real
12 property without regard to transaction value or complexity.

13 "Title XI" means Title XI of the federal Financial
14 Institutions Reform, Recovery, and Enforcement Act of 1989.

15 "USPAP" means the Uniform Standards of Professional
16 Appraisal Practice as promulgated by the Appraisal Standards
17 Board pursuant to Title XI and by rule.

18 "Valuation services" means services pertaining to aspects
19 of property value.

20 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21.)

21 (225 ILCS 458/5-25)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 5-25. Renewal of license.

24 (a) The expiration date and renewal period for a State
25 certified general real estate appraiser license or a State

1 certified residential real estate appraiser license issued
2 under this Act shall be set by rule. Except as otherwise
3 provided in subsections (b) and (f) of this Section, the
4 holder of a license may renew the license within 90 days
5 preceding the expiration date by:

6 (1) completing and submitting to the Department, or
7 through a multi-state licensing system as designated by
8 the Secretary, a renewal application form as provided by
9 the Department;

10 (2) paying the required fees; and

11 (3) providing evidence to the Department, or through a
12 multi-state licensing system as designated by the
13 Secretary, of successful completion of the continuing
14 education requirements through courses approved by the
15 Department from education providers licensed by the
16 Department, as established by the AQB and by rule.

17 (b) A State certified general real estate appraiser or
18 State certified residential real estate appraiser whose
19 license under this Act has expired may renew the license for a
20 period of 2 years following the expiration date by complying
21 with the requirements of paragraphs (1), (2), and (3) of
22 subsection (a) of this Section and paying any late penalties
23 established by rule.

24 (c) (Blank).

25 (d) The expiration date and renewal period for an
26 associate real estate trainee appraiser license issued under

1 this Act shall be set by rule. Except as otherwise provided in
2 subsections (e) and (f) of this Section, the holder of an
3 associate real estate trainee appraiser license may renew the
4 license within 90 days preceding the expiration date by:

5 (1) completing and submitting to the Department, or
6 through a multi-state licensing system as designated by
7 the Secretary, a renewal application form as provided by
8 the Department;

9 (2) paying the required fees; and

10 (3) providing evidence to the Department, or through a
11 multi-state licensing system as designated by the
12 Secretary, of successful completion of the continuing
13 education requirements through courses approved by the
14 Department from education providers approved by the
15 Department, as established by rule.

16 (e) Any associate real estate trainee appraiser whose
17 license under this Act has expired may renew the license for a
18 period of 2 years following the expiration date by complying
19 with the requirements of paragraphs (1), (2), and (3) of
20 subsection (d) of this Section and paying any late penalties
21 as established by rule.

22 (f) Notwithstanding subsections (c) and (e), an appraiser
23 whose license under this Act has expired may renew or convert
24 the license without paying any lapsed renewal fees or late
25 penalties if the license expired while the appraiser was:

26 (1) on active duty with the United States Armed

1 Services;

2 (2) serving as the Coordinator or an employee of the
3 Department who was required to surrender the license
4 during the term of employment.

5 Application for renewal must be made within 2 years
6 following the termination of the military service or related
7 education, training, or employment and shall include an
8 affidavit from the licensee of engagement.

9 (g) The Department shall provide reasonable care and due
10 diligence to ensure that each licensee under this Act is
11 provided with a renewal application at least 90 days prior to
12 the expiration date, but timely renewal or conversion of the
13 license prior to its expiration date is the responsibility of
14 the licensee.

15 (h) The Department shall not renew a license if the
16 licensee has an unpaid fine or fee from a disciplinary matter
17 or ~~an unpaid fee~~ from a non-disciplinary action imposed by the
18 Department until the fine or fee is paid to the Department or
19 the licensee has entered into a payment plan and is current on
20 the required payments.

21 (i) The Department shall not issue a license if the
22 applicant has an unpaid fine imposed by the Department for
23 unlicensed practice until the fine is paid to the Department
24 or the applicant has entered into a payment plan and is current
25 on the required payments.

26 (Source: P.A. 101-81, eff. 7-12-19; 102-20, eff. 1-1-22.)

1 (225 ILCS 458/25-10)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 25-10. Real Estate Appraisal Administration and
4 Disciplinary Board; appointment.

5 (a) There is hereby created the Real Estate Appraisal
6 Administration and Disciplinary Board. The Board shall be
7 composed of the Coordinator and 10 persons appointed by the
8 Governor. Members shall be appointed to the Board subject to
9 the following conditions:

10 (1) All appointed members shall have been residents
11 and citizens of this State for at least 5 years prior to
12 the date of appointment.

13 (2) The appointed membership of the Board should
14 reasonably reflect the geographic distribution of the
15 population of the State.

16 (3) Four appointed members shall have been actively
17 engaged and currently licensed as State certified general
18 real estate appraisers for a period of not less than 5
19 years.

20 (4) Three appointed members shall have been actively
21 engaged and currently licensed as State certified
22 residential real estate appraisers for a period of not
23 less than 5 years.

24 (5) One appointed member shall hold a valid license as
25 a real estate broker for at least 3 years prior to the date

1 of the appointment and shall hold either a valid State
2 certified general real estate appraiser license or a valid
3 State certified residential appraiser license issued under
4 this Act or a predecessor Act for a period of at least 5
5 years prior to the appointment.

6 (6) One appointed member shall be a representative of
7 a financial institution, as evidenced by proof of
8 employment with a financial institution.

9 (7) One appointed member shall represent the interests
10 of the general public. This member or the member's spouse
11 shall not be licensed under this Act nor be employed by or
12 have any financial interest in an appraisal business,
13 appraisal management company, real estate brokerage
14 business, or a financial institution.

15 In making appointments as provided in paragraphs (3) and
16 (4) of this subsection, the Governor shall give due
17 consideration to recommendations by members and organizations
18 representing the profession.

19 In making the appointments as provided in paragraph (5) of
20 this subsection, the Governor shall give due consideration to
21 the recommendations by members and organizations representing
22 the real estate industry.

23 In making the appointment as provided in paragraph (6) of
24 this subsection, the Governor shall give due consideration to
25 the recommendations by members and organizations representing
26 financial institutions.

1 (b) The members' terms shall be for 4 years or until a
2 successor is appointed. No member shall be reappointed to the
3 Board for a term that would cause the member's cumulative
4 service to the Board to exceed 10 years. Appointments to fill
5 vacancies shall be for the unexpired portion of the term.

6 (c) The Governor may terminate the appointment of a member
7 for cause that, in the opinion of the Governor, reasonably
8 justifies the termination. Cause for termination may include,
9 without limitation, misconduct, incapacity, neglect of duty,
10 or missing 4 Board meetings during any one fiscal year.

11 (d) A majority of the Board members shall constitute a
12 quorum. A vacancy in the membership of the Board shall not
13 impair the right of a quorum to exercise all of the rights and
14 perform all of the duties of the Board.

15 (e) The Board shall meet at least monthly and may be
16 convened by the Chairperson, Vice-Chairperson, or 3 members of
17 the Board upon 10 days written notice.

18 (f) The Board shall, annually at the first meeting of the
19 fiscal year, elect a Chairperson and Vice-Chairperson from its
20 members. The Chairperson shall preside over the meetings and
21 shall coordinate with the Coordinator in developing and
22 distributing an agenda for each meeting. In the absence of the
23 Chairperson, the Vice-Chairperson shall preside over the
24 meeting.

25 (g) The Coordinator shall serve as a member of the Board
26 without vote.

1 (h) The Board shall advise and make recommendations to the
2 Department on the education and experience qualifications of
3 any applicant for initial licensure as a State certified
4 general real estate appraiser or a State certified residential
5 real estate appraiser. The Department shall not make any
6 decisions concerning education or experience qualifications of
7 an applicant for initial licensure as a State certified
8 general real estate appraiser or a State certified residential
9 real estate appraiser without having first received the advice
10 and recommendation of the Board and shall give due
11 consideration to all such advice and recommendations; however,
12 if the Board does not render advice or make a recommendation
13 within a reasonable amount of time, then the Department may
14 render a decision.

15 (i) Except as provided in Section 15-17 of this Act, the
16 Board shall hear and make recommendations to the Secretary on
17 disciplinary matters that require a formal evidentiary
18 hearing. The Secretary shall give due consideration to the
19 recommendations of the Board involving discipline and
20 questions involving standards of professional conduct of
21 licensees.

22 (j) The Department shall seek and the Board shall provide
23 recommendations to the Department consistent with the
24 provisions of this Act and for the administration and
25 enforcement of all rules adopted pursuant to this Act. The
26 Department shall give due consideration to such

1 recommendations prior to adopting rules.

2 (k) The Department shall seek and the Board shall provide
3 recommendations to the Department on the approval of all
4 courses submitted to the Department pursuant to this Act and
5 the rules adopted pursuant to this Act. The Department shall
6 not approve any courses without having first received the
7 recommendation of the Board and shall give due consideration
8 to such recommendations prior to approving and licensing
9 courses; however, if the Board does not make a recommendation
10 within a reasonable amount of time, then the Department may
11 approve courses.

12 (l) Each voting member of the Board may ~~shall~~ receive a per
13 diem stipend in an amount to be determined by the Secretary.
14 While engaged in the performance of duties, each member shall
15 be reimbursed for ~~paid the~~ necessary expenses.

16 (m) Members of the Board shall be immune from suit in an
17 action based upon any disciplinary proceedings or other acts
18 performed in good faith as members of the Board.

19 (n) If the Department disagrees with any advice or
20 recommendation provided by the Board under this Section to the
21 Secretary or the Department, then notice of such disagreement
22 must be provided to the Board by the Department.

23 (o) (Blank).

24 (Source: P.A. 102-20, eff. 1-1-22.)

25 Section 50. The Appraisal Management Company Registration

1 Act is amended by changing Sections 40, 47 and 67 as follows:

2 (225 ILCS 459/40)

3 Sec. 40. Qualifications for registration.

4 (a) The Department may issue a certification of
5 registration to practice under this Act to any applicant who
6 is qualified to do business in this State and applies to the
7 Department on forms provided by the Department, or through a
8 multi-state licensing system as designated by the Secretary,
9 pays the required non-refundable fees, is qualified to
10 transact business in this State, and provides the following:

11 (1) the business name of the applicant seeking
12 registration;

13 (2) the business address or addresses and contact
14 information of the applicant seeking registration;

15 (3) if the business applicant is not a corporation
16 that is domiciled in this State, then the name and contact
17 information for the company's agent for service of process
18 in this State;

19 (4) the name, address, and contact information for any
20 individual or any corporation, partnership, limited
21 liability company, association, or other business
22 applicant that owns 10% or more of the appraisal
23 management company ~~along with a completed criminal history~~
24 ~~records background check as required in Section 68;~~

25 (5) the name, address, and contact information for a

1 designated controlling person;

2 (6) a certification that the applicant will utilize
3 Illinois licensed appraisers to provide appraisal services
4 within the State of Illinois;

5 (7) a certification that the applicant has a system in
6 place utilizing a licensed Illinois appraiser to review
7 the work of all employed and independent appraisers that
8 are performing real estate appraisal services in Illinois
9 for the appraisal management company on a periodic basis,
10 except for a quality control review, to verify that the
11 real estate appraisal assignments are being conducted in
12 accordance with USPAP;

13 (8) a certification that the applicant maintains a
14 detailed record of each service request that it receives
15 and the independent appraiser that performs the real
16 estate appraisal services for the appraisal management
17 company;

18 (9) a certification that the employees of the
19 appraisal management company working on behalf of the
20 appraisal management company directly involved in
21 providing appraisal management services, will be
22 appropriately trained and familiar with the appraisal
23 process to completely provide appraisal management
24 services;

25 (10) an irrevocable Uniform Consent to Service of
26 Process, under rule; and

1 (11) a certification that the applicant shall comply
2 with all other requirements of this Act and rules
3 established for the implementation of this Act.

4 (b) Applicants have 3 years from the date of application
5 to complete the application process. If the process has not
6 been completed in 3 years, the application shall be denied,
7 the fee shall be forfeited, and the applicant must reapply and
8 meet the requirements in effect at the time of reapplication.

9 (Source: P.A. 100-604, eff. 7-13-18.)

10 (225 ILCS 459/47)

11 Sec. 47. Report ~~Annual report~~; investigation; costs. Each
12 registrant shall provide ~~annually file a report with the~~
13 ~~Secretary for the calendar year period from January 1 through~~
14 ~~December 31, giving relevant~~ information as the Secretary may
15 reasonably require concerning, and for the purpose of
16 examination for compliance with federal and State regulations,
17 the business and operations ~~during the preceding fiscal year~~
18 ~~period~~ of each registered appraisal management company
19 conducted by the registrant within the State. The Secretary
20 may, at any time, examine the books and records of an appraisal
21 management company operating in the State and require the
22 appraisal management company to submit reports, information
23 and documents. ~~The report shall be made under oath and shall be~~
24 ~~in the form prescribed by rule.~~ The Secretary may, at any time,
25 investigate a registrant and every person, partnership,

1 association, limited liability company, corporation, or other
2 business entity who or which is engaged in the business of
3 operating an appraisal management company. For that purpose,
4 the Secretary shall have free access to the offices and places
5 of business and to records of all persons, firms,
6 partnerships, associations, limited liability companies and
7 members thereof, and corporations and to the officers and
8 directors thereof that relate to the appraisal management
9 company. The investigation may be conducted in conjunction
10 with representatives of other State agencies or agencies of
11 another state or of the United States as determined by the
12 Secretary. The Secretary may require by subpoena the
13 attendance of and examine under oath all persons whose
14 testimony the Secretary ~~he or she~~ may require relative to the
15 appraisal management company, and, in those cases, the
16 Secretary, or a designee of the Secretary ~~representative whom~~
17 ~~he or she may designate~~, may administer oaths to all persons
18 called as witnesses, and the Secretary, or a representative of
19 the Secretary, may conduct an audit, and there shall be paid to
20 the Secretary for each audit a fee, to be established by rule,
21 for each day or part thereof for each representative
22 designated and required to conduct the audit.

23 (Source: P.A. 100-604, eff. 7-13-18.)

24 (225 ILCS 459/67)

25 Sec. 67. Good moral character. If an applicant,

1 registrant, controlling person, or any person with an
2 ownership interest in ~~of~~ the applicant or registrant, has had
3 a license or registration revoked on a prior occasion, has
4 been found to have committed any of the practices enumerated
5 in Section 65, has been convicted of or entered a plea of
6 guilty or nolo contendere to forgery, embezzlement, obtaining
7 money under false pretenses, larceny, extortion, conspiracy to
8 defraud, or a similar offense or offenses, or has been
9 convicted of a felony involving moral turpitude in a court of
10 competent jurisdiction in this State or any other state,
11 district, or territory of the United States or of a foreign
12 country, the Department may consider the prior revocation,
13 conduct, or conviction in its determination of ~~the applicant's~~
14 moral character of the applicant, registrant, controlling
15 person, or person with ownership interest and whether to grant
16 the ~~applicant's~~ registration or renewal. In its consideration
17 of the prior revocation, conduct, or conviction, the
18 Department shall take into account the nature of the conduct,
19 any aggravating or extenuating circumstances, the time elapsed
20 since the revocation, conduct, or conviction, the
21 rehabilitation or restitution performed ~~by the applicant~~, and
22 any other factors that the Department deems relevant. When an
23 applicant, registrant, controlling person, or person with
24 ownership interest has made a false statement of material fact
25 on any ~~his or her~~ application, the false statement may in
26 itself be sufficient grounds to revoke or refuse to issue or

1 renew a registration.

2 (Source: P.A. 100-604, eff. 7-13-18.)

3 (225 ILCS 459/68 rep.)

4 Section 55. The Appraisal Management Company Registration
5 Act is amended by repealing Section 68.

6 Section 60. The Professional Limited Liability Company Act
7 is amended by changing Section 13 as follows:

8 (805 ILCS 185/13)

9 Sec. 13. Nature of business.

10 (a) A professional limited liability company may be formed
11 to provide a professional service or services licensed by the
12 Department except:

13 (1) the practice of dentistry unless all the members
14 and managers are licensed as dentists under the Illinois
15 Dental Practice Act;

16 (2) the practice of medicine unless all the managers,
17 if any, are licensed to practice medicine under the
18 Medical Practice Act of 1987 and each member is either:

19 (A) licensed to practice medicine under the
20 Medical Practice Act of 1987;

21 (B) a registered medical corporation or
22 corporations organized pursuant to the Medical
23 Corporation Act;

1 (C) a professional corporation organized pursuant
2 to the Professional Service Corporation Act of
3 physicians licensed to practice under the Medical
4 Practice Act of 1987;

5 (D) a hospital or hospital affiliate as defined in
6 Section 10.8 of the Hospital Licensing Act; or

7 (E) a professional limited liability company that
8 satisfies the requirements of subparagraph (A), (B),
9 (C), or (D);

10 (3) the practice of real estate unless all the members
11 and managers, if any, that actively participate in the
12 real estate activities of the professional limited
13 liability company ~~or every member in a member-managed~~
14 ~~company~~ are licensed to practice as a managing broker or
15 broker pursuant to the Real Estate License Act of 2000.
16 All nonparticipating members or managers shall submit
17 affidavits of nonparticipation as required by the
18 Department and the Real Estate License Act of 2000;

19 (4) the practice of clinical psychology unless all the
20 managers and members are licensed to practice as a
21 clinical psychologist under the Clinical Psychologist
22 Licensing Act;

23 (5) the practice of social work unless all the
24 managers and members are licensed to practice as a
25 clinical social worker or social worker under the Clinical
26 Social Work and Social Work Practice Act;

1 (6) the practice of marriage and family therapy unless
2 all the managers and members are licensed to practice as a
3 marriage and family therapist under the Marriage and
4 Family Therapy Licensing Act;

5 (7) the practice of professional counseling unless all
6 the managers and members are licensed to practice as a
7 clinical professional counselor or a professional
8 counselor under the Professional Counselor and Clinical
9 Professional Counselor Licensing and Practice Act;

10 (8) the practice of sex offender evaluation and
11 treatment unless all the managers and members are licensed
12 to practice as a sex offender evaluator or sex offender
13 treatment provider under the Sex Offender Evaluation and
14 Treatment Provider Act; or

15 (9) the practice of veterinary medicine unless all the
16 managers and members are licensed to practice as a
17 veterinarian under the Veterinary Medicine and Surgery
18 Practice Act of 2004.

19 (b) Notwithstanding any provision of this Section, any of
20 the following professional services may be combined and
21 offered within a single professional limited liability company
22 provided that each professional service is offered only by
23 persons licensed to provide that professional service and all
24 managers and members are licensed in at least one of the
25 professional services offered by the professional limited
26 liability company:

1 (1) the practice of medicine by physicians licensed
2 under the Medical Practice Act of 1987, the practice of
3 podiatry by podiatric physicians licensed under the
4 Podiatric Medical Practice Act of 1987, the practice of
5 dentistry by dentists licensed under the Illinois Dental
6 Practice Act, and the practice of optometry by
7 optometrists licensed under the Illinois Optometric
8 Practice Act of 1987; ~~or~~

9 (2) the practice of clinical psychology by clinical
10 psychologists licensed under the Clinical Psychologist
11 Licensing Act, the practice of social work by clinical
12 social workers or social workers licensed under the
13 Clinical Social Work and Social Work Practice Act, the
14 practice of marriage and family counseling by marriage and
15 family therapists licensed under the Marriage and Family
16 Therapy Licensing Act, the practice of professional
17 counseling by professional counselors and clinical
18 professional counselors licensed under the Professional
19 Counselor and Clinical Professional Counselor Licensing
20 and Practice Act, and the practice of sex offender
21 evaluation and treatment by sex offender evaluators and
22 sex offender treatment providers licensed under the Sex
23 Offender Evaluation and Treatment Provider Act;~~;~~

24 (3) the practice of architecture by persons licensed
25 under the Illinois Architecture Practice Act of 1989, the
26 practice of professional engineering by persons licensed

1 under the Professional Engineering Practice Act of 1989,
2 the practice of structural engineering by persons licensed
3 under of the Structural Engineering Practice Act of 1989,
4 and the practice of land surveying by persons licensed
5 under the Illinois Professional Land Surveyor Act of 1989;
6 or

7 (4) the practice of acupuncture by persons licensed
8 under the Acupuncture Practice Act, the practice of
9 massage by persons licensed under the Massage Licensing
10 Act, the practice of naprapathy by persons licensed under
11 the Naprapathic Practice Act, the practice of occupational
12 therapy by persons licensed under the Illinois
13 Occupational Therapy Practice Act, the practice of
14 physical therapy by persons licensed under the Illinois
15 Physical Therapy Act, and the practice of speech-language
16 pathology by persons licensed under the Illinois
17 Speech-Language Pathology and Audiology Practice Act.

18 (Source: P.A. 100-894, eff. 8-14-18.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law, except that Section 10 takes effect on July 1,
21 2023.

1 INDEX

2 Statutes amended in order of appearance

- 3 30 ILCS 105/5.970 new
- 4 30 ILCS 105/5.557 rep.
- 5 30 ILCS 105/5.558 rep.
- 6 30 ILCS 105/5.742 rep.
- 7 225 ILCS 407/10-5
- 8 225 ILCS 407/10-30
- 9 225 ILCS 407/10-50
- 10 225 ILCS 407/20-11 new
- 11 225 ILCS 407/20-15
- 12 225 ILCS 407/20-15.1 new
- 13 225 ILCS 407/20-16 new
- 14 225 ILCS 407/20-95
- 15 225 ILCS 407/20-105 new
- 16 225 ILCS 407/30-13
- 17 225 ILCS 407/30-30
- 18 225 ILCS 427/10
- 19 225 ILCS 427/25
- 20 225 ILCS 427/55
- 21 225 ILCS 427/60
- 22 225 ILCS 427/65
- 23 225 ILCS 441/1-10
- 24 225 ILCS 441/5-16
- 25 225 ILCS 441/5-17

- 1 225 ILCS 441/15-5
- 2 225 ILCS 441/15-11 new
- 3 225 ILCS 441/25-5
- 4 225 ILCS 454/1-10
- 5 225 ILCS 454/5-10
- 6 225 ILCS 454/5-25
- 7 225 ILCS 454/5-45
- 8 225 ILCS 454/5-50
- 9 225 ILCS 454/5-70
- 10 225 ILCS 454/15-35
- 11 225 ILCS 454/15-45
- 12 225 ILCS 454/20-20
- 13 225 ILCS 454/20-20.1
- 14 225 ILCS 454/20-69
- 15 225 ILCS 454/20-75
- 16 225 ILCS 454/20-110
- 17 225 ILCS 454/25-10
- 18 225 ILCS 454/25-38 new
- 19 225 ILCS 454/30-15
- 20 225 ILCS 454/30-25
- 21 225 ILCS 454/20-21 rep.
- 22 225 ILCS 456/Act rep.
- 23 225 ILCS 458/1-10
- 24 225 ILCS 458/5-25
- 25 225 ILCS 458/25-10
- 26 225 ILCS 459/40

- 1 225 ILCS 459/47
- 2 225 ILCS 459/67
- 3 225 ILCS 459/68 rep.
- 4 805 ILCS 185/13