



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB4639

Introduced 1/12/2006, by Rep. Angelo Saviano

SYNOPSIS AS INTRODUCED:

225 ILCS 454/5-20

Amends the Real Estate License Act of 2000. Makes a technical change in a Section concerning exemptions from the broker, salesperson, or leasing agent license requirements.

LRB094 17250 RAS 52540 b

1 AN ACT concerning regulation.

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

4 Section 5. The Real Estate License Act of 2000 is amended
5 by changing Section 5-20 as follows:

6 (225 ILCS 454/5-20)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 5-20. Exemptions from broker, salesperson, or leasing
9 agent license requirement. The ~~The~~ requirement for holding a
10 license under this Article 5 shall not apply to:

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

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

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

31 (4) Any person acting as a resident manager for the owner
32 or any employee acting as the resident manager for a broker

1 managing an apartment building, duplex, or apartment complex,
2 when the resident manager resides on the premises, the premises
3 is his or her primary residence, and the resident manager is
4 engaged in the leasing of the property of which he or she is
5 the resident manager.

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

8 (6) Any officer or employee of the State government or any
9 political subdivision thereof performing official duties.

10 (7) Any multiple listing service or other information
11 exchange that is engaged in the collection and dissemination of
12 information concerning real estate available for sale,
13 purchase, lease, or exchange along with which no other licensed
14 activities are provided.

15 (8) Railroads and other public utilities regulated by the
16 State of Illinois, or the officers or full time employees
17 thereof, unless the performance of any licensed activities is
18 in connection with the sale, purchase, lease, or other
19 disposition of real estate or investment therein not needing
20 the approval of the appropriate State regulatory authority.

21 (9) Any medium of advertising in the routine course of
22 selling or publishing advertising along with which no other
23 licensed activities are provided.

24 (10) Any resident lessee of a residential dwelling unit who
25 refers for compensation to the owner of the dwelling unit, or
26 to the owner's agent, prospective lessees of dwelling units in
27 the same building or complex as the resident lessee's unit, but
28 only if the resident lessee (i) refers no more than 3
29 prospective lessees in any 12-month period, (ii) receives
30 compensation of no more than \$1,000 or the equivalent of one
31 month's rent, whichever is less, in any 12-month period, and
32 (iii) limits his or her activities to referring prospective
33 lessees to the owner, or the owner's agent, and does not show a
34 residential dwelling unit to a prospective lessee, discuss
35 terms or conditions of leasing a dwelling unit with a
36 prospective lessee, or otherwise participate in the

1 negotiation of the leasing of a dwelling unit.

2 (11) An exchange company registered under the Real Estate
3 Timeshare Act of 1999 and the regular employees of that
4 registered exchange company but only when conducting an
5 exchange program as defined in that Act.

6 (12) An existing timeshare owner who, for compensation,
7 refers prospective purchasers, but only if the existing
8 timeshare owner (i) refers no more than 20 prospective
9 purchasers in any calendar year, (ii) receives no more than
10 \$1,000, or its equivalent, for referrals in any calendar year
11 and (iii) limits his or her activities to referring prospective
12 purchasers of timeshare interests to the developer or the
13 developer's employees or agents, and does not show, discuss
14 terms or conditions of purchase or otherwise participate in
15 negotiations with regard to timeshare interests.

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

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

23 (B) that person verifies to OBRE that he or she has
24 sold real estate at auction for a period of 5 years
25 prior to licensure as an auctioneer;

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

28 (D) the license issued under the Auction License
29 Act has not been disciplined for violation of those
30 provisions of Article 20 of the Auction License Act
31 dealing with or related to the sale or lease of real
32 estate at auction.

33 (14) A hotel operator who is registered with the Illinois
34 Department of Revenue and pays taxes under the Hotel Operators'
35 Occupation Tax Act and rents a room or rooms in a hotel as
36 defined in the Hotel Operators' Occupation Tax Act for a period

1 of not more than 30 consecutive days and not more than 60 days
2 in a calendar year.

3 (Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00;
4 91-603, eff. 1-1-00; 92-16, eff. 6-28-01; 92-217, eff. 8-2-01.)