

1 AN ACT concerning government.

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

4 Section 1. Short title. This Act may be cited as the
5 Professional Limited Liability Company Act.

6 Section 5. Definitions. In this Act:

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

9 "Professional limited liability company" means a limited
10 liability company that intends to provide, or does provide,
11 professional services that require the individuals engaged in
12 the profession to be licensed by the Department of Financial
13 and Professional Regulation.

14 Section 10. Application of the Limited Liability Company
15 Act. The Limited Liability Company Act, as now or hereafter
16 amended, shall be applicable to professional limited liability
17 companies, and they shall enjoy the powers and privileges and
18 be subject to the duties, restrictions, and liabilities of
19 other limited liability companies, except where inconsistent
20 with the letter and purpose of this Act. This Act shall take
21 precedence in the event of any conflict with the provisions of
22 the Limited Liability Company Act or other laws.

1 Section 15. Certificate of registration.

2 (a) No professional limited liability company may render
3 professional services that require the issuance of a license by
4 the Department, except through its managers, members, agents,
5 or employees who are duly licensed or otherwise legally
6 authorized to render such professional services within this
7 State. An individual's association with a professional limited
8 liability company as a manager, member, agent, or employee,
9 shall in no way modify or diminish the jurisdiction of the
10 Department that licensed, certified, or registered the
11 individual for a particular profession.

12 (b) A professional limited liability company shall not
13 open, operate, or maintain an establishment for any of the
14 purposes for which a limited liability company may be organized
15 without obtaining a certificate of registration from the
16 Department.

17 (c) Application for a certificate of registration shall be
18 made in writing and shall contain the name and primary mailing
19 address of the professional limited liability company, the name
20 and address of the company's registered agent, the address of
21 the practice location maintained by the company, each assumed
22 name being used by the company, and such other information as
23 may be required by the Department. All official correspondence
24 from the Department shall be mailed to the primary mailing
25 address of the company except that the company may elect to

1 have renewal and non-renewal notices sent to the registered
2 agent of the company. Upon receipt of such application, the
3 Department shall make an investigation of the professional
4 limited liability company. If this Act or any Act administered
5 by the Department requires the organizers, managers, and
6 members to each be licensed in the particular profession or
7 related professions related to the professional services
8 offered by the company, the Department shall determine that the
9 organizers, managers, and members are each licensed pursuant to
10 the laws of Illinois to engage in the particular profession or
11 related professions involved (except that an initial organizer
12 may be a licensed attorney) and that no disciplinary action is
13 pending before the Department against any of them before
14 issuing a certificate of registration. For all other companies
15 submitting an application, the Department shall determine if
16 any organizer, manager, or member claiming to hold a
17 professional license issued by the Department is currently so
18 licensed and that no disciplinary action is pending before the
19 Department against any of them before issuing a certificate of
20 registration. If it appears that the professional limited
21 liability company will be conducted in compliance with the law
22 and the rules and regulations of the Department, the Department
23 shall issue, upon payment of a registration fee of \$50, a
24 certificate of registration.

25 (d) A separate application shall be submitted for each
26 business location in Illinois. If the professional limited

1 liability company is using more than one fictitious or assumed
2 name and has an address different from that of the parent
3 company, a separate application shall be submitted for each
4 fictitious or assumed name.

5 (e) Upon written application of the holder, the Department
6 shall renew the certificate if it finds that the professional
7 limited liability company has complied with its regulations and
8 the provisions of this Act and the applicable licensing Act.
9 This fee for the renewal of a certificate of registration shall
10 be calculated at the rate of \$40 per year. The certificate of
11 registration shall be conspicuously posted upon the premises to
12 which it is applicable. A certificate of registration shall not
13 be assignable.

14 (f) The Department shall not issue or renew any certificate
15 of registration to a professional limited liability company
16 during the period of dissolution.

17 Section 20. Failure to obtain a certificate of
18 registration. Whenever the Department has reason to believe a
19 professional limited liability company has opened, operated,
20 or maintained an establishment without a certificate of
21 registration, the Department may issue a notice of violation to
22 the professional limited liability company. The notice of
23 violation shall provide a period of 30 days after the date of
24 the notice to either file an answer to the satisfaction of the
25 Department or submit an application for a certificate of

1 registration in compliance with this Act. If the professional
2 limited liability company submits an application for a
3 certificate of registration, it must pay the \$50 application
4 fee and a late fee of \$100 for each year that the professional
5 limited liability company opened, operated, or maintained an
6 establishment without a certificate of registration for the
7 purpose of providing any professional service that requires the
8 individuals engaged in the profession to be licensed by the
9 Department, with a maximum late fee of \$500. If the
10 professional limited liability company that is the subject of
11 the notice of violation fails to respond, fails to respond to
12 the satisfaction of the Department, or fails to submit an
13 application for registration, the Department may institute
14 disciplinary proceedings against the professional limited
15 liability company and may impose a civil penalty up to \$1,000
16 for violation of this Act after affording the professional
17 limited liability company a hearing in conformance with the
18 requirements of this Act.

19 Section 25. Suspension, revocation or discipline of
20 certificate of registration.

21 (a) The Department may suspend, revoke, or otherwise
22 discipline the certificate of registration of a professional
23 limited liability company for any of the following reasons:

24 (1) the revocation or suspension of the license to
25 practice the profession of any officer, manager, member,

1 agent, or employee not promptly removed or discharged by
2 the professional limited liability company;

3 (2) unethical professional conduct on the part of any
4 officer, manager, member, agent, or employee not promptly
5 removed or discharged by the professional limited
6 liability company;

7 (3) the death of the last remaining member;

8 (4) upon finding that the holder of the certificate has
9 failed to comply with the provisions of this Act or the
10 regulations prescribed by the Department; or

11 (5) the failure to file a return, to pay the tax,
12 penalty, or interest shown in a filed return, or to pay any
13 final assessment of tax, penalty, or interest, as required
14 by a tax Act administered by the Illinois Department of
15 Revenue, until such time as the requirements of any such
16 tax Act are satisfied.

17 (b) Before any certificate of registration is suspended or
18 revoked, the holder shall be given written notice of the
19 proposed action and the reasons for the proposed action and
20 shall be provided a public hearing by the Department with the
21 right to produce testimony and other evidence concerning the
22 charges made. The notice shall also state the place and date of
23 the hearing, which shall be at least 10 days after service of
24 the notice.

25 (c) All orders of the Department denying an application for
26 a certificate of registration or suspending or revoking a

1 certificate of registration or imposing a civil penalty shall
2 be subject to judicial review pursuant to the Administrative
3 Review Law.

4 (d) The proceedings for judicial review shall be commenced
5 in the circuit court of the county in which the party applying
6 for review is located. If the party is not currently located in
7 Illinois, the venue shall be in Sangamon County. The Department
8 shall not be required to certify any record to the court or
9 file any answer in court or otherwise appear in any court in a
10 judicial review proceeding, unless and until the Department has
11 received from the plaintiff payment of the costs of furnishing
12 and certifying the record, which costs shall be determined by
13 the Department. Exhibits shall be certified without cost.
14 Failure on the part of the plaintiff to file a receipt in court
15 is grounds for dismissal of the action.

16 Section 30. Confidentiality.

17 (a) All information collected by the Department in the
18 course of an examination or investigation of a holder of a
19 certificate of registration or an applicant, including, but not
20 limited to, any complaint against a holder of a certificate of
21 registration filed with the Department and information
22 collected to investigate any such complaint, shall be
23 maintained for the confidential use of the Department and shall
24 not be disclosed.

25 (b) The Department may not disclose the information to

1 anyone other than law enforcement officials, other regulatory
2 agencies that have an appropriate regulatory interest as
3 determined by the Secretary of the Department, or a party
4 presenting a lawful subpoena to the Department. Information and
5 documents disclosed to a federal, State, county, or local law
6 enforcement agency shall not be disclosed by the agency for any
7 purpose to any other agency or person. A formal complaint filed
8 against a holder of a certificate of registration by the
9 Department or any order issued by the Department against a
10 holder of a certificate of registration or an applicant shall
11 be a public record, except as otherwise prohibited by law.

12 Section 35. Professional relationship and liability;
13 rights and obligations pertaining to communications.

14 (a) Nothing contained in this Act shall be interpreted to
15 abolish, repeal, modify, restrict, or limit the law in effect
16 in this State on the effective date of this Act that is
17 applicable to the professional relationship and liabilities
18 between the person furnishing the professional services and the
19 person receiving such professional services or the law that is
20 applicable to the standards for professional conduct. Any
21 manager, member, agent, or employee of a professional limited
22 liability company shall remain personally and fully liable and
23 accountable for any negligent or wrongful acts or misconduct
24 committed by him or her or by any person under his or her
25 direct supervision and control while rendering professional

1 services on behalf of the professional limited liability
2 company. However, a professional limited liability company
3 shall have no greater liability for the conduct of its agents
4 than any other limited liability company organized under the
5 Limited Liability Company Act. A professional limited
6 liability company shall be liable up to the full value of its
7 property for any negligence or wrongful acts or misconduct
8 committed by any of its managers, members, agents, or employees
9 while they are engaged in the rendering of professional
10 services on behalf of the professional limited liability
11 company.

12 (b) All rights and obligations pertaining to
13 communications made to or information received by any qualified
14 person or the advice he or she gives on such communications or
15 information, shall be extended to the professional limited
16 liability company of which he or she is a manager, member,
17 agent, or employee, and to the professional limited liability
18 company's managers, members, agents, and employees.

19 Section 40. Dissolution. A professional limited liability
20 company may, for the purposes of dissolution, have as its
21 managers and members individuals who are not licensed by the
22 Department to provide professional services notwithstanding
23 any provision of this Act or of any professional Act
24 administered by the Department, provided that the professional
25 limited liability company under these circumstances does not

1 render any professional services nor hold itself out as capable
2 or available to render any professional services during the
3 period of dissolution. A copy of the certificate of
4 dissolution, as issued by the Secretary of State, shall be
5 delivered to the Department within 30 days of its receipt by
6 the managers or members.

7 Section 45. Dishonored payments. Any professional limited
8 liability company that, on 2 occasions, issues or delivers a
9 check or other order to the Department that is not honored by
10 the financial institution upon which it is drawn because of
11 insufficient funds on the account, shall pay to the Department,
12 in addition to the amount owing upon such check or other order,
13 a fee of \$50. If such check or other order was issued or
14 delivered in payment of a renewal fee and the professional
15 limited liability company whose certificate of registration
16 has lapsed continues to practice as a professional limited
17 liability company without paying the renewal fee and the \$50
18 fee required under this Section, an additional fee of \$100
19 shall be imposed for practicing without a current certificate.
20 The Department shall notify the professional limited liability
21 company whose certificate of registration has lapsed within 30
22 days after the discovery by the Department that such
23 professional limited liability company is operating without a
24 current certificate of the fact that the professional limited
25 liability company is operating without a certificate and of the

1 amount due to the Department, which shall include the lapsed
2 renewal fee and all other fees required by this Section. If the
3 professional limited liability company whose certification has
4 lapsed seeks a current certificate more than 30 days after the
5 date it receives notification from the Department, it shall be
6 required to apply to the Department for reinstatement of the
7 certificate and to pay all fees due to the Department. The
8 Department may establish a fee for the processing of an
9 application for reinstatement of a certificate that allows the
10 Department to pay all costs and expenses related to the
11 processing of the application. The Secretary of the Department
12 may waive the fees due under this Section in individual cases
13 where he or she finds that in the particular case such fees
14 would be unreasonable or unnecessarily burdensome.

15 Section 50. Deposit of fees and fines. All fees, civil
16 penalties, and fines collected under this Act shall be
17 deposited into the General Professions Dedicated Fund.

18 Section 900. The Regulatory Sunset Act is amended by
19 changing Section 4.26 and by adding Section 4.36 as follows:

20 (5 ILCS 80/4.26)

21 Sec. 4.26. Acts repealed on January 1, 2016. The following
22 Acts are repealed on January 1, 2016:

23 The Illinois Athletic Trainers Practice Act.

1 The Illinois Roofing Industry Licensing Act.

2 The Illinois Dental Practice Act.

3 ~~The Collection Agency Act.~~

4 The Barber, Cosmetology, Esthetics, Hair Braiding, and
5 Nail Technology Act of 1985.

6 The Respiratory Care Practice Act.

7 The Hearing Instrument Consumer Protection Act.

8 The Illinois Physical Therapy Act.

9 The Professional Geologist Licensing Act.

10 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
11 96-1246, eff. 1-1-11.)

12 (5 ILCS 80/4.36 new)

13 Sec. 4.36. Act repealed on January 1, 2026. The following
14 Act is repealed on January 1, 2026:

15 The Collection Agency Act.

16 Section 905. The Department of Professional Regulation Law
17 of the Civil Administrative Code of Illinois is amended by
18 changing Sections 2105-5, 2105-15, 2105-100, 2105-105,
19 2105-110, 2105-115, 2105-120, 2105-125, 2105-175, 2105-200,
20 2105-205, 2105-300, 2105-325, and 2105-400 and by adding
21 Section 2105-117 as follows:

22 (20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

23 Sec. 2105-5. Definitions. ~~(a)~~ In this Law:

1 "Address of record" means the designated address recorded
2 by the Department in the applicant's application file or the
3 licensee's license file, as maintained by the Department's
4 licensure maintenance unit.

5 "Department" means the Division of Professional Regulation
6 of the Department of Financial and Professional Regulation. Any
7 reference in this Article to the "Department of Professional
8 Regulation" shall be deemed to mean the "Division of
9 Professional Regulation of the Department of Financial and
10 Professional Regulation".

11 "Director" means the Director of Professional Regulation.

12 ~~(b) In the construction of this Section and Sections~~
13 ~~2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120,~~
14 ~~2105-125, 2105-175, and 2105-325, the following definitions~~
15 ~~shall govern unless the context otherwise clearly indicates.~~

16 "Board" means the board of persons designated for a
17 profession, trade, or occupation under the provisions of any
18 Act now or hereafter in force whereby the jurisdiction of that
19 profession, trade, or occupation is devolved on the Department.

20 "Certificate" means a license, certificate of
21 registration, permit, or other authority purporting to be
22 issued or conferred by the Department by virtue or authority of
23 which the registrant has or claims the right to engage in a
24 profession, trade, occupation, or operation of which the
25 Department has jurisdiction.

26 "Registrant" means a person who holds or claims to hold a

1 certificate.

2 "Retiree" means a person who has been duly licensed,
3 registered, or certified in a profession regulated by the
4 Department and who chooses to relinquish or not renew his or
5 her license, registration, or certification.

6 (Source: P.A. 94-452, eff. 1-1-06.)

7 (20 ILCS 2105/2105-15)

8 Sec. 2105-15. General powers and duties.

9 (a) The Department has, subject to the provisions of the
10 Civil Administrative Code of Illinois, the following powers and
11 duties:

12 (1) To authorize examinations in English to ascertain
13 the qualifications and fitness of applicants to exercise
14 the profession, trade, or occupation for which the
15 examination is held.

16 (2) To prescribe rules and regulations for a fair and
17 wholly impartial method of examination of candidates to
18 exercise the respective professions, trades, or
19 occupations.

20 (3) To pass upon the qualifications of applicants for
21 licenses, certificates, and authorities, whether by
22 examination, by reciprocity, or by endorsement.

23 (4) To prescribe rules and regulations defining, for
24 the respective professions, trades, and occupations, what
25 shall constitute a school, college, or university, or

1 department of a university, or other institution,
2 reputable and in good standing, and to determine the
3 reputability and good standing of a school, college, or
4 university, or department of a university, or other
5 institution, reputable and in good standing, by reference
6 to a compliance with those rules and regulations; provided,
7 that no school, college, or university, or department of a
8 university, or other institution that refuses admittance
9 to applicants solely on account of race, color, creed, sex,
10 sexual orientation, or national origin shall be considered
11 reputable and in good standing.

12 (5) To conduct hearings on proceedings to revoke,
13 suspend, refuse to renew, place on probationary status, or
14 take other disciplinary action as authorized in any
15 licensing Act administered by the Department with regard to
16 licenses, certificates, or authorities of persons
17 exercising the respective professions, trades, or
18 occupations and to revoke, suspend, refuse to renew, place
19 on probationary status, or take other disciplinary action
20 as authorized in any licensing Act administered by the
21 Department with regard to those licenses, certificates, or
22 authorities.

23 The Department shall issue a monthly disciplinary
24 report.

25 The Department shall deny any license or renewal
26 authorized by the Civil Administrative Code of Illinois to

1 any person who has defaulted on an educational loan or
2 scholarship provided by or guaranteed by the Illinois
3 Student Assistance Commission or any governmental agency
4 of this State; however, the Department may issue a license
5 or renewal if the aforementioned persons have established a
6 satisfactory repayment record as determined by the
7 Illinois Student Assistance Commission or other
8 appropriate governmental agency of this State.
9 Additionally, beginning June 1, 1996, any license issued by
10 the Department may be suspended or revoked if the
11 Department, after the opportunity for a hearing under the
12 appropriate licensing Act, finds that the licensee has
13 failed to make satisfactory repayment to the Illinois
14 Student Assistance Commission for a delinquent or
15 defaulted loan. For the purposes of this Section,
16 "satisfactory repayment record" shall be defined by rule.

17 The Department shall refuse to issue or renew a license
18 to, or shall suspend or revoke a license of, any person
19 who, after receiving notice, fails to comply with a
20 subpoena or warrant relating to a paternity or child
21 support proceeding. However, the Department may issue a
22 license or renewal upon compliance with the subpoena or
23 warrant.

24 The Department, without further process or hearings,
25 shall revoke, suspend, or deny any license or renewal
26 authorized by the Civil Administrative Code of Illinois to

1 a person who is certified by the Department of Healthcare
2 and Family Services (formerly Illinois Department of
3 Public Aid) as being more than 30 days delinquent in
4 complying with a child support order or who is certified by
5 a court as being in violation of the Non-Support Punishment
6 Act for more than 60 days. The Department may, however,
7 issue a license or renewal if the person has established a
8 satisfactory repayment record as determined by the
9 Department of Healthcare and Family Services (formerly
10 Illinois Department of Public Aid) or if the person is
11 determined by the court to be in compliance with the
12 Non-Support Punishment Act. The Department may implement
13 this paragraph as added by Public Act 89-6 through the use
14 of emergency rules in accordance with Section 5-45 of the
15 Illinois Administrative Procedure Act. For purposes of the
16 Illinois Administrative Procedure Act, the adoption of
17 rules to implement this paragraph shall be considered an
18 emergency and necessary for the public interest, safety,
19 and welfare.

20 (6) To transfer jurisdiction of any realty under the
21 control of the Department to any other department of the
22 State Government or to acquire or accept federal lands when
23 the transfer, acquisition, or acceptance is advantageous
24 to the State and is approved in writing by the Governor.

25 (7) To formulate rules and regulations necessary for
26 the enforcement of any Act administered by the Department.

1 (8) To exchange with the Department of Healthcare and
2 Family Services information that may be necessary for the
3 enforcement of child support orders entered pursuant to the
4 Illinois Public Aid Code, the Illinois Marriage and
5 Dissolution of Marriage Act, the Non-Support of Spouse and
6 Children Act, the Non-Support Punishment Act, the Revised
7 Uniform Reciprocal Enforcement of Support Act, the Uniform
8 Interstate Family Support Act, or the Illinois Parentage
9 Act of 1984. Notwithstanding any provisions in this Code to
10 the contrary, the Department of Professional Regulation
11 shall not be liable under any federal or State law to any
12 person for any disclosure of information to the Department
13 of Healthcare and Family Services (formerly Illinois
14 Department of Public Aid) under this paragraph (8) or for
15 any other action taken in good faith to comply with the
16 requirements of this paragraph (8).

17 (8.5) To accept continuing education credit for
18 mandated reporter training on how to recognize and report
19 child abuse offered by the Department of Children and
20 Family Services and completed by any person who holds a
21 professional license issued by the Department and who is a
22 mandated reporter under the Abused and Neglected Child
23 Reporting Act. The Department shall adopt any rules
24 necessary to implement this paragraph.

25 (9) To perform other duties prescribed by law.

26 (a-5) Except in cases involving default on an educational

1 loan or scholarship provided by or guaranteed by the Illinois
2 Student Assistance Commission or any governmental agency of
3 this State or in cases involving delinquency in complying with
4 a child support order or violation of the Non-Support
5 Punishment Act and notwithstanding anything that may appear in
6 any individual licensing Act or administrative rule, no person
7 or entity whose license, certificate, or authority has been
8 revoked as authorized in any licensing Act administered by the
9 Department may apply for restoration of that license,
10 certification, or authority until 3 years after the effective
11 date of the revocation.

12 (b) The Department may, when a fee is payable to the
13 Department for a wall certificate of registration provided by
14 the Department of Central Management Services, require that
15 portion of the payment for printing and distribution costs be
16 made directly or through the Department to the Department of
17 Central Management Services for deposit into the Paper and
18 Printing Revolving Fund. The remainder shall be deposited into
19 the General Revenue Fund.

20 (c) For the purpose of securing and preparing evidence, and
21 for the purchase of controlled substances, professional
22 services, and equipment necessary for enforcement activities,
23 recoupment of investigative costs, and other activities
24 directed at suppressing the misuse and abuse of controlled
25 substances, including those activities set forth in Sections
26 504 and 508 of the Illinois Controlled Substances Act, the

1 Director and agents appointed and authorized by the Director
2 may expend sums from the Professional Regulation Evidence Fund
3 that the Director deems necessary from the amounts appropriated
4 for that purpose. Those sums may be advanced to the agent when
5 the Director deems that procedure to be in the public interest.
6 Sums for the purchase of controlled substances, professional
7 services, and equipment necessary for enforcement activities
8 and other activities as set forth in this Section shall be
9 advanced to the agent who is to make the purchase from the
10 Professional Regulation Evidence Fund on vouchers signed by the
11 Director. The Director and those agents are authorized to
12 maintain one or more commercial checking accounts with any
13 State banking corporation or corporations organized under or
14 subject to the Illinois Banking Act for the deposit and
15 withdrawal of moneys to be used for the purposes set forth in
16 this Section; provided, that no check may be written nor any
17 withdrawal made from any such account except upon the written
18 signatures of 2 persons designated by the Director to write
19 those checks and make those withdrawals. Vouchers for those
20 expenditures must be signed by the Director. All such
21 expenditures shall be audited by the Director, and the audit
22 shall be submitted to the Department of Central Management
23 Services for approval.

24 (d) Whenever the Department is authorized or required by
25 law to consider some aspect of criminal history record
26 information for the purpose of carrying out its statutory

1 powers and responsibilities, then, upon request and payment of
2 fees in conformance with the requirements of Section 2605-400
3 of the Department of State Police Law (20 ILCS 2605/2605-400),
4 the Department of State Police is authorized to furnish,
5 pursuant to positive identification, the information contained
6 in State files that is necessary to fulfill the request.

7 (e) The provisions of this Section do not apply to private
8 business and vocational schools as defined by Section 15 of the
9 Private Business and Vocational Schools Act of 2012.

10 (f) (Blank). ~~Beginning July 1, 1995, this Section does not~~
11 ~~apply to those professions, trades, and occupations licensed~~
12 ~~under the Real Estate License Act of 2000, nor does it apply to~~
13 ~~any permits, certificates, or other authorizations to do~~
14 ~~business provided for in the Land Sales Registration Act of~~
15 ~~1989 or the Illinois Real Estate Time Share Act.~~

16 (g) Notwithstanding anything that may appear in any
17 individual licensing statute or administrative rule, the
18 Department shall deny any license application or renewal
19 authorized under any licensing Act administered by the
20 Department to any person who has failed to file a return, or to
21 pay the tax, penalty, or interest shown in a filed return, or
22 to pay any final assessment of tax, penalty, or interest, as
23 required by any tax Act administered by the Illinois Department
24 of Revenue, until such time as the requirement of any such tax
25 Act are satisfied; however, the Department may issue a license
26 or renewal if the person has established a satisfactory

1 repayment record as determined by the Illinois Department of
2 Revenue. For the purpose of this Section, "satisfactory
3 repayment record" shall be defined by rule.

4 In addition, a complaint filed with the Department by the
5 Illinois Department of Revenue that includes a certification,
6 signed by its Director or designee, attesting to the amount of
7 the unpaid tax liability or the years for which a return was
8 not filed, or both, is prima facie evidence of the licensee's
9 failure to comply with the tax laws administered by the
10 Illinois Department of Revenue. Upon receipt of that
11 certification, the Department shall, without a hearing,
12 immediately suspend all licenses held by the licensee.
13 Enforcement of the Department's order shall be stayed for 60
14 days. The Department shall provide notice of the suspension to
15 the licensee by mailing a copy of the Department's order by
16 certified and regular mail to the licensee's last known address
17 as registered with the Department. The notice shall advise the
18 licensee that the suspension shall be effective 60 days after
19 the issuance of the Department's order unless the Department
20 receives, from the licensee, a request for a hearing before the
21 Department to dispute the matters contained in the order.

22 Any suspension imposed under this subsection (g) shall be
23 terminated by the Department upon notification from the
24 Illinois Department of Revenue that the licensee is in
25 compliance with all tax laws administered by the Illinois
26 Department of Revenue.

1 The Department may ~~shall~~ promulgate rules for the
2 administration of this subsection (g).

3 (h) The Department may grant the title "Retired", to be
4 used immediately adjacent to the title of a profession
5 regulated by the Department, to eligible retirees. The use of
6 the title "Retired" shall not constitute representation of
7 current licensure, registration, or certification. Any person
8 without an active license, registration, or certificate in a
9 profession that requires licensure, registration, or
10 certification shall not be permitted to practice that
11 profession.

12 (i) Within 180 days after December 23, 2009 (the effective
13 date of Public Act 96-852), the Department shall promulgate
14 rules which permit a person with a criminal record, who seeks a
15 license or certificate in an occupation for which a criminal
16 record is not expressly a per se bar, to apply to the
17 Department for a non-binding, advisory opinion to be provided
18 by the Board or body with the authority to issue the license or
19 certificate as to whether his or her criminal record would bar
20 the individual from the licensure or certification sought,
21 should the individual meet all other licensure requirements
22 including, but not limited to, the successful completion of the
23 relevant examinations.

24 (Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14;
25 98-850, eff. 1-1-15.)

1 (20 ILCS 2105/2105-100) (was 20 ILCS 2105/60c)

2 Sec. 2105-100. Disciplinary action with respect to
3 certificates; notice ~~citation~~; hearing.

4 (a) Certificates may be revoked, suspended, placed on
5 probationary status, reprimanded, fined, or have other
6 disciplinary action taken with regard to them as authorized in
7 any licensing Act administered by the Department in the manner
8 provided by the Civil Administrative Code of Illinois and not
9 otherwise.

10 (b) The Department may upon its own motion and shall upon
11 the verified complaint in writing of any person, provided the
12 complaint or the complaint together with evidence, documentary
13 or otherwise, presented in connection with the complaint makes
14 a prima facie case, investigate the actions of any person
15 holding or claiming to hold a certificate.

16 (c) Before suspending, revoking, placing on probationary
17 status, reprimanding, fining, or taking any other disciplinary
18 action that may be authorized in any licensing Act administered
19 by the Department with regard to any certificate, the
20 Department shall issue a notice informing ~~citation notifying~~
21 the registrant of the time and place when and where a hearing
22 of the charges shall be had. The notice ~~citation~~ shall contain
23 a statement of the charges or shall be accompanied by a copy of
24 the written complaint if such complaint shall have been filed.
25 The notice ~~citation~~ shall be served on the registrant at least
26 10 days prior to the date set in the notice ~~citation~~ for the

1 hearing, either by delivery of the notice ~~citation~~ personally
2 to the registrant or by mailing the notice ~~citation~~ by
3 registered mail to the registrant's address of record ~~last~~
4 ~~known place of residence~~; provided that in any case where the
5 registrant is now or may hereafter be required by law to
6 maintain a place of business in this State and to notify the
7 Department of the location of that place of business, the
8 notice ~~citation~~ may be served by mailing it by registered mail
9 to the registrant at the place of business last described by
10 the registrant in the notification to the Department.

11 (d) At the time and place fixed in the notice ~~citation~~, the
12 Department shall proceed to a hearing of the charges. Both the
13 registrant and the complainant shall be accorded ample
14 opportunity to present, in person or by counsel, any
15 statements, testimony, evidence, and argument that may be
16 pertinent to the charges or to any defense to the charges. The
17 Department may continue the hearing from time to time.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 2105/2105-105) (was 20 ILCS 2105/60d)

20 Sec. 2105-105. Oaths; subpoenas; penalty.

21 (a) The Department, by its Director or a person designated
22 by him or her, is empowered, at any time during the course of
23 any investigation or hearing conducted pursuant to any Act
24 administered by the Department, to administer oaths, subpoena
25 witnesses, take evidence, and compel the production of any

1 books, papers, records, or any other documents that the
2 Director, or a person designated by him or her, deems relevant
3 or material to any such investigation or hearing conducted by
4 the Department, with the same fees and mileage and in the same
5 manner as prescribed by law in judicial proceedings in civil
6 cases in circuit courts of this State. Discovery or evidence
7 depositions shall not be taken, except by agreement of the
8 Department and registrant.

9 (b) Any person who, without lawful authority, fails to
10 appear in response to a subpoena or to answer any question or
11 produce any books, papers, records, or any other documents
12 relevant or material to the investigation or hearing is guilty
13 of a Class A misdemeanor. Each violation shall constitute a
14 separate and distinct offense.

15 In addition to initiating criminal proceedings, the
16 Department, through the Attorney General, may seek enforcement
17 of any such subpoena by any circuit court of this State.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 2105/2105-110) (was 20 ILCS 2105/60e)

20 Sec. 2105-110. Court order requiring attendance of
21 witnesses or production of materials. Any circuit court, upon
22 the application of the registrant ~~or complainant~~ or of the
23 Department, may by order duly entered enforce a subpoena issued
24 by the Department for ~~require~~ the attendance of witnesses and
25 the production of relevant books and papers before the

1 Department in any hearing relative to the application for
2 refusal to renew, suspension, revocation, placing on
3 probationary status, reprimand, fine, or the taking of any
4 other disciplinary action as may be authorized in any licensing
5 Act administered by the Department with regard to any
6 certificate of registration. The court may compel obedience to
7 its order by proceedings for contempt.

8 (Source: P.A. 91-239, eff. 1-1-00.)

9 (20 ILCS 2105/2105-115) (was 20 ILCS 2105/60f)

10 Sec. 2105-115. Certified shorthand reporter ~~Stenographer~~;
11 transcript. The Department, at its expense, shall provide a
12 certified shorthand reporter ~~stenographer~~ to take down the
13 testimony and preserve a record of all proceedings at the
14 hearing of any case in which a certificate may be revoked,
15 suspended, placed on probationary status, reprimanded, fined,
16 or subjected to other disciplinary action with reference to the
17 certificate when a disciplinary action is authorized in any
18 licensing Act administered by the Department. The notice
19 ~~citation~~, complaint, and all other documents in the nature of
20 pleadings and written motions filed in the proceedings, the
21 transcript of testimony, the report of the board, and the
22 orders of the Department shall be the record of the
23 proceedings. The Department shall furnish ~~a transcript of~~ the
24 record to any person interested in the hearing upon payment
25 therefor of \$1 per page. The Department may contract for court

1 reporting services, and, in the event it does so, the
2 Department shall provide the name and contact information for
3 the certified shorthand reporter who transcribed the testimony
4 at a hearing to any person interested, who may obtain a copy of
5 the transcript of any proceedings at a hearing upon payment of
6 the fee specified by the certified shorthand reporter. This
7 charge is in addition to any fee charged by the Department for
8 certifying the record.

9 (Source: P.A. 91-239, eff. 1-1-00.)

10 (20 ILCS 2105/2105-117 new)

11 Sec. 2105-117. Confidentiality. All information collected
12 by the Department in the course of an examination or
13 investigation of a licensee, registrant, or applicant,
14 including, but not limited to, any complaint against a licensee
15 or registrant filed with the Department and information
16 collected to investigate any such complaint, shall be
17 maintained for the confidential use of the Department and shall
18 not be disclosed. The Department may not disclose the
19 information to anyone other than law enforcement officials,
20 other regulatory agencies that have an appropriate regulatory
21 interest as determined by the Director, or a party presenting a
22 lawful subpoena to the Department. Information and documents
23 disclosed to a federal, State, county, or local law enforcement
24 agency shall not be disclosed by the agency for any purpose to
25 any other agency or person. A formal complaint filed against a

1 licensee or registrant by the Department or any order issued by
2 the Department against a licensee, registrant, or applicant
3 shall be a public record, except as otherwise prohibited by
4 law.

5 (20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

6 Sec. 2105-120. Board's report; registrant's motion for
7 rehearing.

8 (a) The board shall present to the Director its written
9 report of its findings and recommendations. A copy of the
10 report shall be served upon the registrant, either personally
11 or by registered mail as provided in Section 2105-100 for the
12 service of the notice citation.

13 (b) Within 20 days after the service required under
14 subsection (a), the registrant may present to the Department a
15 motion in writing for a rehearing. The written motion shall
16 specify the particular grounds for a rehearing. If the
17 registrant orders and pays for a transcript of the record as
18 provided in Section 2105-115, the time elapsing thereafter and
19 before the transcript is ready for delivery to the registrant
20 shall not be counted as part of the 20 days.

21 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
22 eff. 6-28-01.)

23 (20 ILCS 2105/2105-125) (was 20 ILCS 2105/60h)

24 Sec. 2105-125. Restoration of certificate. At any time

1 after the successful completion of any term of suspension,
2 revocation, placement on probationary status, or other
3 disciplinary action taken by the Department with reference to
4 any certificate, including payment of any fine, the Department
5 may restore it to the registrant without examination, upon the
6 written recommendation of the appropriate board.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 (20 ILCS 2105/2105-175) (was 20 ILCS 2105/60a in part)

9 Sec. 2105-175. Reexaminations or rehearings. Whenever the
10 Director is satisfied that substantial justice has not been
11 done either in an examination or in the revocation of, refusal
12 to renew, suspension, placing on probationary status,
13 reprimanding, fining, or taking of other disciplinary action as
14 may be authorized in any licensing Act administered by the
15 Department with regard to a license, certificate, or authority,
16 the Director may order reexaminations or rehearings by the same
17 or other examiners or hearing officers.

18 (Source: P.A. 91-239, eff. 1-1-00.)

19 (20 ILCS 2105/2105-200) (was 20 ILCS 2105/60.1)

20 Sec. 2105-200. Index of formal decisions regarding
21 disciplinary action. The Department shall maintain an index of
22 formal decisions regarding the issuance of or refusal to issue
23 licenses, the renewal of or refusal to renew licenses, the
24 revocation or suspension of licenses, and probationary or other

1 disciplinary action taken by the Department after August 31,
2 1971 (the effective date of Public Act 77-1400). ~~The decisions~~
3 ~~shall be indexed according to the statutory Section and the~~
4 ~~administrative regulation, if any, that is the basis for the~~
5 ~~decision.~~ The index shall be available to the public during
6 regular business hours.

7 (Source: P.A. 91-239, eff. 1-1-00.)

8 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

9 Sec. 2105-205. Publication of disciplinary actions. The
10 Department shall publish on its website, at least monthly,
11 final disciplinary actions taken by the Department against a
12 licensee or applicant pursuant to any licensing Act
13 administered by the Department ~~the Medical Practice Act of~~
14 ~~1987~~. The specific disciplinary action and the name of the
15 applicant or licensee shall be listed. ~~This publication shall~~
16 ~~be made available to the public upon request and payment of the~~
17 ~~fees set by the Department. This publication may be made~~
18 ~~available to the public on the Internet through the State of~~
19 ~~Illinois World Wide Web site.~~

20 (Source: P.A. 90-14, eff. 7-1-97; 91-239, eff. 1-1-00.)

21 (20 ILCS 2105/2105-300) (was 20 ILCS 2105/61e)

22 Sec. 2105-300. Professions Indirect Cost Fund;
23 allocations; analyses.

24 (a) Appropriations for the direct and allocable indirect

1 costs of licensing and regulating each regulated profession,
2 trade, occupation, or industry are intended to be payable from
3 the fees and fines that are assessed and collected from that
4 profession, trade, occupation, or industry, to the extent that
5 those fees and fines are sufficient. In any fiscal year in
6 which the fees and fines generated by a specific profession,
7 trade, occupation, or industry are insufficient to finance the
8 necessary direct and allocable indirect costs of licensing and
9 regulating that profession, trade, occupation, or industry,
10 the remainder of those costs shall be financed from
11 appropriations payable from revenue sources other than fees and
12 fines. The direct and allocable indirect costs of the
13 Department identified in its cost allocation plans that are not
14 attributable to the licensing and regulation of a specific
15 profession, trade, or occupation, or industry or group of
16 professions, trades, occupations, or industries shall be
17 financed from appropriations from revenue sources other than
18 fees and fines.

19 (b) The Professions Indirect Cost Fund is hereby created as
20 a special fund in the State Treasury. Except as provided in
21 subsection (e), the Fund may receive transfers of moneys
22 authorized by the Department from the cash balances in special
23 funds that receive revenues from the fees and fines associated
24 with the licensing of regulated professions, trades,
25 occupations, and industries by the Department. ~~For purposes of~~
26 ~~this Section only, until June 30, 2010, the Fund may also~~

1 ~~receive transfers of moneys authorized by the Department from~~
2 ~~the cash balances in special funds that receive revenues from~~
3 ~~the fees and fines associated with the licensing of regulated~~
4 ~~professions, trades, occupations, and industries by the~~
5 ~~Department of Insurance.~~ Moneys in the Fund shall be invested
6 and earnings on the investments shall be retained in the Fund.
7 Subject to appropriation, the Department shall use moneys in
8 the Fund to pay the ordinary and necessary allocable indirect
9 expenses associated with each of the regulated professions,
10 trades, occupations, and industries.

11 (c) Before the beginning of each fiscal year, the
12 Department shall prepare a cost allocation analysis to be used
13 in establishing the necessary appropriation levels for each
14 cost purpose and revenue source. At the conclusion of each
15 fiscal year, the Department shall prepare a cost allocation
16 analysis reflecting the extent of the variation between how the
17 costs were actually financed in that year and the planned cost
18 allocation for that year. Variations between the planned and
19 actual cost allocations for the prior fiscal year shall be
20 adjusted into the Department's planned cost allocation for the
21 next fiscal year.

22 Each cost allocation analysis shall separately identify
23 the direct and allocable indirect costs of each regulated
24 profession, trade, occupation, or industry and the costs of the
25 Department's general public health and safety purposes. The
26 analyses shall determine whether the direct and allocable

1 indirect costs of each regulated profession, trade,
2 occupation, or industry and the costs of the Department's
3 general public health and safety purposes are sufficiently
4 financed from their respective funding sources. The Department
5 shall prepare the cost allocation analyses in consultation with
6 the respective regulated professions, trades, occupations, and
7 industries and shall make copies of the analyses available to
8 them in a timely fashion. ~~For purposes of this Section only,~~
9 ~~until June 30, 2010, the Department shall include in its cost~~
10 ~~allocation analysis the direct and allocable indirect costs of~~
11 ~~each regulated profession, trade, occupation, or industry and~~
12 ~~the costs of the general public health and safety purposes of~~
13 ~~the Department of Insurance.~~

14 (d) Except as provided in subsection (e), the Department
15 may direct the State Comptroller and Treasurer to transfer
16 moneys from the special funds that receive fees and fines
17 associated with regulated professions, trades, occupations,
18 and industries into the Professions Indirect Cost Fund in
19 accordance with the Department's cost allocation analysis plan
20 for the applicable fiscal year. For a given fiscal year, the
21 Department shall not direct the transfer of moneys under this
22 subsection from a special fund associated with a specific
23 regulated profession, trade, occupation, or industry (or group
24 of professions, trades, occupations, or industries) in an
25 amount exceeding the allocable indirect costs associated with
26 that profession, trade, occupation, or industry (or group of

1 professions, trades, occupations, or industries) as provided
2 in the cost allocation analysis for that fiscal year and
3 adjusted for allocation variations from the prior fiscal year.
4 No direct costs identified in the cost allocation plan shall be
5 used as a basis for transfers into the Professions Indirect
6 Cost Fund or for expenditures from the Fund.

7 (e) No transfer may be made to the Professions Indirect
8 Cost Fund under this Section from the Public Pension Regulation
9 Fund.

10 (Source: P.A. 95-950, eff. 8-29-08; 96-45, eff. 7-15-09.)

11 (20 ILCS 2105/2105-325) (was 20 ILCS 2105/60a in part)

12 Sec. 2105-325. Board member expenses ~~compensation~~. Except
13 as otherwise provided in any licensing Act, from amounts
14 appropriated for ~~compensation and~~ expenses of boards, each
15 member of each board shall ~~receive compensation at a rate,~~
16 ~~established by the Director, not to exceed \$50 per day, for the~~
17 ~~member's service and shall~~ be reimbursed for the member's
18 expenses necessarily incurred in relation to that service in
19 accordance with the travel regulations applicable to the
20 Department at the time the expenses are incurred.

21 (Source: P.A. 91-239, eff. 1-1-00.)

22 (20 ILCS 2105/2105-400)

23 Sec. 2105-400. Emergency Powers.

24 (a) Upon proclamation of a disaster by the Governor, as

1 provided for in the Illinois Emergency Management Agency Act,
2 the Secretary of Financial and Professional Regulation shall
3 have the following powers, which shall be exercised only in
4 coordination with the Illinois Emergency Management Agency and
5 the Department of Public Health:

6 (1) The power to suspend the requirements for permanent
7 or temporary licensure of persons who are licensed in
8 another state and are working under the direction of the
9 Illinois Emergency Management Agency and the Department of
10 Public Health pursuant to a declared disaster.

11 (2) The power to modify the scope of practice
12 restrictions under any licensing act administered by the
13 Department for any person working under the direction of
14 the Illinois Emergency Management Agency and the Illinois
15 Department of Public Health pursuant to the declared
16 disaster.

17 (3) The power to expand the exemption in Section 4(a)
18 of the Pharmacy Practice Act to those licensed
19 professionals whose scope of practice has been modified,
20 under paragraph (2) of subsection (a) of this Section, to
21 include any element of the practice of pharmacy as defined
22 in the Pharmacy Practice Act for any person working under
23 the direction of the Illinois Emergency Management Agency
24 and the Illinois Department of Public Health pursuant to
25 the declared disaster.

26 (b) Persons exempt from licensure under paragraph (1) of

1 subsection (a) of this Section and persons operating under
2 modified scope of practice provisions under paragraph (2) of
3 subsection (a) of this Section shall be exempt from licensure
4 or be subject to modified scope of practice only until the
5 declared disaster has ended as provided by law. For purposes of
6 this Section, persons working under the direction of an
7 emergency services and disaster agency accredited by the
8 Illinois Emergency Management Agency and a local public health
9 department, pursuant to a declared disaster, shall be deemed to
10 be working under the direction of the Illinois Emergency
11 Management Agency and the Department of Public Health.

12 (c) The Secretary or the Director, as his or her designee,
13 shall exercise these powers by way of proclamation.

14 (Source: P.A. 94-733, eff. 4-27-06; 95-689, eff. 10-29-07.)

15 (20 ILCS 2105/2105-150 rep.)

16 (20 ILCS 2105/2105-350 rep.)

17 Section 910. The Department of Professional Regulation Law
18 of the Civil Administrative Code of Illinois is amended by
19 repealing Sections 2105-150 and 2105-350.

20 Section 915. The Clinical Psychologist Licensing Act is
21 amended by changing Section 3 and by adding Section 24.2 as
22 follows:

23 (225 ILCS 15/3) (from Ch. 111, par. 5353)

1 (Section scheduled to be repealed on January 1, 2017)

2 Sec. 3. Necessity of license; corporations, professional
3 limited liability companies, partnerships, and associations;
4 display of license.

5 (a) No individual, partnership, association or corporation
6 shall, without a valid license as a clinical psychologist
7 issued by the Department, in any manner hold himself or herself
8 out to the public as a psychologist or clinical psychologist
9 under the provisions of this Act or render or offer to render
10 clinical psychological services as defined in paragraph 7 of
11 Section 2 of this Act; or attach the title "clinical
12 psychologist", "psychologist" or any other name or designation
13 which would in any way imply that he or she is able to practice
14 as a clinical psychologist; or offer to render or render, to
15 individuals, corporations or the public, clinical
16 psychological services as defined in paragraph 7 of Section 2
17 of this Act.

18 No person may engage in the practice of clinical
19 psychology, as defined in paragraph (5) of Section 2 of this
20 Act, without a license granted under this Act, except as
21 otherwise provided in this Act.

22 (b) No association or partnership shall be granted a
23 license and no professional limited liability company shall
24 provide, attempt to provide, or offer to provide clinical
25 psychological services unless every member, partner, and
26 employee of the association, ~~or~~ partnership, or professional

1 limited liability company who renders clinical psychological
2 services holds a currently valid license issued under this Act.
3 No license shall be issued by the Department to a corporation
4 that (i) has a stated purpose that includes clinical
5 psychology, or (ii) practices or holds itself out as available
6 to practice clinical psychology, unless it is organized under
7 the Professional Service Corporation Act.

8 (c) Individuals, corporations, professional limited
9 liability companies, partnerships, and associations may employ
10 practicum students, interns or postdoctoral candidates seeking
11 to fulfill educational requirements or the professional
12 experience requirements needed to qualify for a license as a
13 clinical psychologist to assist in the rendering of services,
14 provided that such employees function under the direct
15 supervision, order, control and full professional
16 responsibility of a licensed clinical psychologist in the
17 corporation, professional limited liability company,
18 partnership, or association. Nothing in this paragraph shall
19 prohibit a corporation, professional limited liability
20 company, partnership, or association from contracting with a
21 licensed health care professional to provide services.

22 (c-5) Nothing in this Act shall preclude individuals
23 licensed under this Act from practicing directly or indirectly
24 for a physician licensed to practice medicine in all its
25 branches under the Medical Practice Act of 1987 or for any
26 legal entity as provided under subsection (c) of Section 22.2

1 of the Medical Practice Act of 1987.

2 Nothing in this Act shall preclude individuals licensed
3 under this Act from practicing directly or indirectly for any
4 hospital licensed under the Hospital Licensing Act or any
5 hospital affiliate as defined in Section 10.8 of the Hospital
6 Licensing Act and any hospital authorized under the University
7 of Illinois Hospital Act.

8 (d) Nothing in this Act shall prevent the employment, by a
9 clinical psychologist, individual, association, partnership,
10 professional limited liability company, or a corporation
11 furnishing clinical psychological services for remuneration,
12 of persons not licensed as clinical psychologists under the
13 provisions of this Act to perform services in various
14 capacities as needed, provided that such persons are not in any
15 manner held out to the public as rendering clinical
16 psychological services as defined in paragraph 7 of Section 2
17 of this Act. Nothing contained in this Act shall require any
18 hospital, clinic, home health agency, hospice, or other entity
19 that provides health care services to employ or to contract
20 with a clinical psychologist licensed under this Act to perform
21 any of the activities under paragraph (5) of Section 2 of this
22 Act.

23 (e) Nothing in this Act shall be construed to limit the
24 services and use of official title on the part of a person, not
25 licensed under the provisions of this Act, in the employ of a
26 State, county or municipal agency or other political

1 subdivision insofar that such services are a part of the duties
2 in his or her salaried position, and insofar that such services
3 are performed solely on behalf of his or her employer.

4 Nothing contained in this Section shall be construed as
5 permitting such person to offer their services as psychologists
6 to any other persons and to accept remuneration for such
7 psychological services other than as specifically excepted
8 herein, unless they have been licensed under the provisions of
9 this Act.

10 (f) Duly recognized members of any bonafide religious
11 denomination shall not be restricted from functioning in their
12 ministerial capacity provided they do not represent themselves
13 as being clinical psychologists or providing clinical
14 psychological services.

15 (g) Nothing in this Act shall prohibit individuals not
16 licensed under the provisions of this Act who work in self-help
17 groups or programs or not-for-profit organizations from
18 providing services in those groups, programs, or
19 organizations, provided that such persons are not in any manner
20 held out to the public as rendering clinical psychological
21 services as defined in paragraph 7 of Section 2 of this Act.

22 (h) Nothing in this Act shall be construed to prevent a
23 person from practicing hypnosis without a license issued under
24 this Act provided that the person (1) does not otherwise engage
25 in the practice of clinical psychology including, but not
26 limited to, the independent evaluation, classification, and

1 treatment of mental, emotional, behavioral, or nervous
2 disorders or conditions, developmental disabilities,
3 alcoholism and substance abuse, disorders of habit or conduct,
4 the psychological aspects of physical illness, (2) does not
5 otherwise engage in the practice of medicine including, but not
6 limited to, the diagnosis or treatment of physical or mental
7 ailments or conditions, and (3) does not hold himself or
8 herself out to the public by a title or description stating or
9 implying that the individual is a clinical psychologist or is
10 licensed to practice clinical psychology.

11 (i) Every licensee under this Act shall prominently display
12 the license at the licensee's principal office, place of
13 business, or place of employment and, whenever requested by any
14 representative of the Department, must exhibit the license.

15 (Source: P.A. 94-870, eff. 6-16-06.)

16 (225 ILCS 15/24.2 new)

17 Sec. 24.2. Confidentiality. All information collected by
18 the Department in the course of an examination or investigation
19 of a licensee or applicant, including, but not limited to, any
20 complaint against a licensee filed with the Department and
21 information collected to investigate any such complaint, shall
22 be maintained for the confidential use of the Department and
23 shall not be disclosed. The Department may not disclose the
24 information to anyone other than law enforcement officials,
25 other regulatory agencies that have an appropriate regulatory

1 interest as determined by the Secretary, or a party presenting
2 a lawful subpoena to the Department. Information and documents
3 disclosed to a federal, State, county, or local law enforcement
4 agency shall not be disclosed by the agency for any purpose to
5 any other agency or person. A formal complaint filed against a
6 licensee by the Department or any order issued by the
7 Department against a licensee or applicant shall be a public
8 record, except as otherwise prohibited by law.

9 Section 920. The Clinical Social Work and Social Work
10 Practice Act is amended by changing Section 10 and by adding
11 Section 34.1 as follows:

12 (225 ILCS 20/10) (from Ch. 111, par. 6360)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 10. License restrictions and limitations.

15 (a) No person shall, without a license as a social worker
16 issued by the Department: (i) in any manner hold himself or
17 herself out to the public as a social worker under this Act;
18 (ii) use the title "social worker" or "licensed social worker";
19 or (iii) offer to render to individuals, corporations, or the
20 public social work services if the words "social work" or
21 "licensed social worker" are used to describe the person
22 offering to render or rendering the services or to describe the
23 services rendered or offered to be rendered.

24 (b) No person shall, without a license as a clinical social

1 worker issued by the Department: (i) in any manner hold himself
2 or herself out to the public as a clinical social worker or
3 licensed clinical social worker under this Act; (ii) use the
4 title "clinical social worker" or "licensed clinical social
5 worker"; or (iii) offer to render to individuals, corporations,
6 or the public clinical social work services if the words
7 "licensed clinical social worker" or "clinical social work" are
8 used to describe the person to render or rendering the services
9 or to describe the services rendered or offered to be rendered.

10 (c) Licensed social workers may not engage in independent
11 practice of clinical social work without a clinical social
12 worker license. In independent practice, a licensed social
13 worker shall practice at all times under the order, control,
14 and full professional responsibility of a licensed clinical
15 social worker, a licensed clinical psychologist, or a
16 psychiatrist, as defined in Section 1-121 of the Mental Health
17 and Developmental Disabilities Code.

18 (d) No association, ~~or~~ partnership, or professional
19 limited liability company shall provide, attempt to provide, or
20 offer to provide social work or clinical social work services
21 ~~be granted a license~~ unless every member, partner, and employee
22 of the association, ~~or~~ partnership, or professional limited
23 liability company who practices social work or clinical social
24 work, or who renders social work or clinical social work
25 services, holds a current license issued under this Act. No
26 business shall provide, attempt to provide, or offer to provide

1 ~~social work or clinical social work services license shall be~~
2 ~~issued to a corporation, the stated purpose of which includes~~
3 ~~or that practices or holds itself out as available to practice~~
4 ~~social work or clinical social work unless it is organized~~
5 under the Professional Service Corporation Act, the Medical
6 Corporation Act, or the Professional Limited Liability Company
7 Act.

8 (e) Nothing in this Act shall preclude individuals licensed
9 under this Act from practicing directly or indirectly for a
10 physician licensed to practice medicine in all its branches
11 under the Medical Practice Act of 1987 or for any legal entity
12 as provided under subsection (c) of Section 22.2 of the Medical
13 Practice Act of 1987.

14 Nothing in this Act shall preclude individuals licensed
15 under this Act from practicing directly or indirectly for any
16 hospital licensed under the Hospital Licensing Act or any
17 hospital affiliate as defined in Section 10.8 of the Hospital
18 Licensing Act and any hospital authorized under the University
19 of Illinois Hospital Act.

20 (Source: P.A. 90-150, eff. 12-30-97.)

21 (225 ILCS 20/34.1 new)

22 Sec. 34.1. Confidentiality. All information collected by
23 the Department in the course of an examination or investigation
24 of a licensee or applicant, including, but not limited to, any
25 complaint against a licensee filed with the Department and

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

14 (225 ILCS 20/18 rep.)

15 Section 925. The Clinical Social Work and Social Work
16 Practice Act is amended by repealing Section 18.

17 Section 930. The Marriage and Family Therapy Licensing Act
18 is amended by changing Section 75 and by adding Section 156 as
19 follows:

20 (225 ILCS 55/75) (from Ch. 111, par. 8351-75)

21 (Section scheduled to be repealed on January 1, 2018)

22 Sec. 75. License restrictions and limitations. ~~Practice by~~
23 ~~corporations.~~ No association, partnership, or professional

1 limited liability company shall provide, attempt to provide, or
2 offer to provide marriage and family therapy services unless
3 every member, partner, and employee of the association,
4 partnership, or professional limited liability company who
5 practices marriage and family therapy or who renders marriage
6 and family therapy services holds a current license issued
7 under this Act. No business shall provide, attempt to provide,
8 or offer to provide ~~license shall be issued by the Department~~
9 ~~to any corporation (i) that has a stated purpose that includes,~~
10 ~~or (ii) that practices or holds itself out as available to~~
11 ~~practice,~~ marriage and family therapy services, unless it is
12 organized under the Professional Service Corporation Act or
13 Professional Limited Liability Company Act. Nothing in this Act
14 shall preclude individuals licensed under this Act from
15 practicing directly or indirectly for a physician licensed to
16 practice medicine in all its branches under the Medical
17 Practice Act of 1987 or for any legal entity as provided under
18 subsection (c) of Section 22.2 of the Medical Practice Act of
19 1987.

20 (Source: P.A. 87-783.)

21 (225 ILCS 55/156 new)

22 Sec. 156. Confidentiality. All information collected by
23 the Department in the course of an examination or investigation
24 of a licensee or applicant, including, but not limited to, any
25 complaint against a licensee filed with the Department and

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

14 Section 935. The Professional Counselor and Clinical
15 Professional Counselor Licensing and Practice Act is amended by
16 changing Section 20 as follows:

17 (225 ILCS 107/20)

18 (Section scheduled to be repealed on January 1, 2023)

19 Sec. 20. Restrictions and limitations.

20 (a) No person shall, without a valid license as a
21 professional counselor issued by the Department: (i) in any
22 manner hold himself or herself out to the public as a
23 professional counselor under this Act; (ii) attach the title
24 "professional counselor" or "licensed professional counselor";

1 or (iii) offer to render or render to individuals,
2 corporations, or the public professional counseling services.

3 (b) No person shall, without a valid license as a clinical
4 professional counselor issued by the Department: (i) in any
5 manner hold himself or herself out to the public as a clinical
6 professional counselor or licensed clinical professional
7 counselor under this Act; (ii) attach the title "clinical
8 professional counselor" or "licensed clinical professional
9 counselor"; or (iii) offer to render to individuals,
10 corporations, or the public clinical professional counseling
11 services.

12 (c) (Blank).

13 (d) No association, limited liability company,
14 professional limited liability company, or partnership shall
15 provide, attempt to provide, or offer to provide practice
16 clinical professional counseling or professional counseling
17 services unless every member, partner, and employee of the
18 association, limited liability company, professional limited
19 liability company, or partnership who practices professional
20 counseling or clinical professional counseling, or who renders
21 professional counseling or clinical professional counseling
22 services, holds a currently valid license issued under this
23 Act. No business shall provide, attempt to provide, or offer to
24 provide ~~license shall be issued to a corporation, the stated~~
25 ~~purpose of which includes or which practices or which holds~~
26 ~~itself out as available to practice~~ professional counseling or

1 clinical professional counseling services unless it is
2 organized under the Professional Service Corporation Act or
3 Professional Limited Liability Company Act.

4 (d-5) Nothing in this Act shall preclude individuals
5 licensed under this Act from practicing directly or indirectly
6 for a physician licensed to practice medicine in all its
7 branches under the Medical Practice Act of 1987 or for any
8 legal entity as provided under subsection (c) of Section 22.2
9 of the Medical Practice Act of 1987.

10 (e) Nothing in this Act shall be construed as permitting
11 persons licensed as professional counselors or clinical
12 professional counselors to engage in any manner in the practice
13 of medicine in all its branches as defined by law in this
14 State.

15 (f) When, in the course of providing professional
16 counseling or clinical professional counseling services to any
17 person, a professional counselor or clinical professional
18 counselor licensed under this Act finds indication of a disease
19 or condition that in his or her professional judgment requires
20 professional service outside the scope of practice as defined
21 in this Act, he or she shall refer that person to a physician
22 licensed to practice medicine in all of its branches or another
23 appropriate health care practitioner.

24 (Source: P.A. 97-706, eff. 6-25-12.)

25 Section 940. The Sex Offender Evaluation and Treatment

1 Provider Act is amended by changing Section 40 as follows:

2 (225 ILCS 109/40)

3 Sec. 40. Application; exemptions.

4 (a) No person may act as a sex offender evaluator, sex
5 offender treatment provider, or associate sex offender
6 provider as defined in this Act for the provision of sex
7 offender evaluations or sex offender treatment pursuant to the
8 Sex Offender Management Board Act, the Sexually Dangerous
9 Persons Act, or the Sexually Violent Persons Commitment Act
10 unless the person is licensed to do so by the Department. Any
11 evaluation or treatment services provided by a licensed health
12 care professional not licensed under this Act shall not be
13 valid under the Sex Offender Management Board Act, the Sexually
14 Dangerous Persons Act, or the Sexually Violent Persons
15 Commitment Act. No business shall provide, attempt to provide,
16 or offer to provide sex offender evaluation services unless it
17 is organized under the Professional Service Corporation Act,
18 the Medical Corporation Act, or the Professional Limited
19 Liability Company Act.

20 (b) Nothing in this Act shall be construed to require any
21 licensed physician, advanced practice nurse, physician
22 assistant, or other health care professional to be licensed
23 under this Act for the provision of services for which the
24 person is otherwise licensed. This Act does not prohibit a
25 person licensed under any other Act in this State from engaging

1 in the practice for which he or she is licensed. This Act only
2 applies to the provision of sex offender evaluations or sex
3 offender treatment provided for the purposes of complying with
4 the Sex Offender Management Board Act, the Sexually Dangerous
5 Persons Act, or the Sexually Violent Persons Commitment Act.

6 (Source: P.A. 97-1098, eff. 7-1-13.)

7 Section 945. The Collection Agency Act is amended by
8 changing Sections 2, 2.03, 2.04, 3, 4, 4.5, 5, 7, 8, 8a, 8b,
9 8c, 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.7, 9.22, 11, 13.1, 13.2, 14a,
10 14b, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 and by
11 adding Sections 30, 35, 40, 45, 50, and 55 as follows:

12 (225 ILCS 425/2) (from Ch. 111, par. 2002)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 2. Definitions. In this Act:

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

22 "Board" means the Collection Agency Licensing and
23 Disciplinary Board.

24 "Charge-off balance" means an account principal and other

1 legally collectible costs, expenses, and interest accrued
2 prior to the charge-off date, less any payments or settlement.

3 "Charge-off date" means the date on which a receivable is
4 treated as a loss or expense.

5 "Credit ~~Consumer credit~~ transaction" means a transaction
6 between a natural person and another person in which property,
7 service, or money is acquired on credit by that natural person
8 from such other person primarily for personal, family, or
9 household purposes.

10 ~~"Consumer debt" or "consumer credit" means money,~~
11 ~~property, or their equivalent, due or owing or alleged to be~~
12 ~~due or owing from a natural person by reason of a consumer~~
13 ~~credit transaction.~~

14 "Creditor" means a person who extends consumer credit to a
15 debtor.

16 "Current balance" means the charge-off balance plus any
17 legally collectible costs, expenses, and interest, less any
18 credits or payments.

19 "Debt" means money, property, or their equivalent which is
20 due or owing or alleged to be due or owing from a ~~natural~~
21 person to another person.

22 "Debt buyer" means a person or entity that is engaged in
23 the business of purchasing delinquent or charged-off consumer
24 loans or consumer credit accounts or other delinquent consumer
25 debt for collection purposes, whether it collects the debt
26 itself or hires a third-party for collection or an

1 attorney-at-law for litigation in order to collect such debt.

2 ~~"Debt collection" means any act or practice in connection~~
3 ~~with the collection of consumer debts.~~

4 ~~"Debt collector", "collection agency", or "agency" means~~
5 ~~any person who, in the ordinary course of business, regularly,~~
6 ~~on behalf of himself or herself or others, engages in debt~~
7 ~~collection.~~

8 "Debtor" means a ~~natural~~ person from whom a collection
9 agency ~~debt collector~~ seeks to collect a consumer or commercial
10 debt that is due and owing or alleged to be due and owing from
11 such person.

12 "Department" means ~~Division of Professional Regulation~~
13 ~~within~~ the Department of Financial and Professional
14 Regulation.

15 ~~"Director" means the Director of the Division of~~
16 ~~Professional Regulation within the Department of Financial and~~
17 ~~Professional Regulation.~~

18 "Person" means a natural person, partnership, corporation,
19 limited liability company, trust, estate, cooperative,
20 association, or other similar entity.

21 "Licensed collection agency" means a person who is licensed
22 under this Act to engage in the practice of debt collection in
23 Illinois.

24 "Secretary" means the Secretary of Financial and
25 Professional Regulation.

26 (Source: P.A. 97-1070, eff. 1-1-13.)

1 (225 ILCS 425/2.03) (from Ch. 111, par. 2005)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 2.03. Exemptions. This Act does not apply to persons
4 whose collection activities are confined to and are directly
5 related to the operation of a business other than that of a
6 collection agency, and specifically does not include the
7 following:

8 1. Banks, including trust departments, affiliates, and
9 subsidiaries thereof, fiduciaries, and financing and
10 lending institutions (except those who own or operate
11 collection agencies);

12 2. Abstract companies doing an escrow business;

13 3. Real estate brokers when acting in the pursuit of
14 their profession;

15 4. Public officers and judicial officers acting under
16 order of a court;

17 5. Licensed attorneys at law;

18 6. Insurance companies;

19 7. Credit unions, including affiliates and
20 subsidiaries thereof (except those who own or operate
21 collection agencies);

22 8. Loan and finance companies, including entities
23 licensed pursuant to the Residential Mortgage License Act
24 of 1987;

25 9. Retail stores collecting their own accounts;

1 10. Unit Owner's Associations established under the
2 Condominium Property Act, and their duly authorized
3 agents, when collecting assessments from unit owners; and

4 11. Any person or business under contract with a
5 creditor to notify the creditor's debtors of a debt using
6 only the creditor's name.

7 (Source: P.A. 95-437, eff. 1-1-08.)

8 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 2.04. Child support debt ~~indebtedness~~.

11 (a) Collection agencies ~~Persons, associations,~~
12 ~~partnerships, corporations, or other legal entities~~ engaged in
13 the business of collecting child support debt ~~indebtedness~~
14 owing under a court order as provided under the Illinois Public
15 Aid Code, the Illinois Marriage and Dissolution of Marriage
16 Act, ~~the Non Support of Spouse and Children Act,~~ the
17 Non-Support Punishment Act, the Illinois Parentage Act of 1984,
18 or similar laws of other states are not restricted (i) in the
19 frequency of contact with an obligor who is in arrears, whether
20 by phone, mail, or other means, (ii) from contacting the
21 employer of an obligor who is in arrears, (iii) from publishing
22 or threatening to publish a list of obligors in arrears, (iv)
23 from disclosing or threatening to disclose an arrearage that
24 the obligor disputes, but for which a verified notice of
25 delinquency has been served under the Income Withholding for

1 Support Act (or any of its predecessors, Section 10-16.2 of the
2 Illinois Public Aid Code, Section 706.1 of the Illinois
3 Marriage and Dissolution of Marriage Act, Section 22 ~~4.1~~ of the
4 Non-Support Punishment ~~of Spouse and Children~~ Act, Section 26.1
5 of the Revised Uniform Reciprocal Enforcement of Support Act,
6 or Section 20 of the Illinois Parentage Act of 1984), or (v)
7 from engaging in conduct that would not cause a reasonable
8 person mental or physical illness. For purposes of this
9 subsection, "obligor" means an individual who owes a duty to
10 make periodic payments, under a court order, for the support of
11 a child. "Arrearage" means the total amount of an obligor's
12 unpaid child support obligations.

13 (a-5) A collection agency may not impose a fee or charge,
14 including costs, for any child support payments collected
15 through the efforts of a federal, State, or local government
16 agency, including but not limited to child support collected
17 from federal or State tax refunds, unemployment benefits, or
18 Social Security benefits.

19 No collection agency that collects child support payments
20 shall (i) impose a charge or fee, including costs, for
21 collection of a current child support payment, (ii) fail to
22 apply collections to current support as specified in the order
23 for support before applying collection to arrears or other
24 amounts, or (iii) designate a current child support payment as
25 arrears or other amount owed. In all circumstances, the
26 collection agency shall turn over to the obligee all support

1 collected in a month up to the amount of current support
2 required to be paid for that month.

3 As to any fees or charges, including costs, retained by the
4 collection agency, that agency shall provide documentation to
5 the obligee demonstrating that the child support payments
6 resulted from the actions of the agency.

7 After collection of the total amount or arrearage,
8 including statutory interest, due as of the date of execution
9 of the collection contract, no further fees may be charged.

10 (a-10) The Department ~~of Professional Regulation~~ shall
11 determine a fee rate of not less than 25% but not greater than
12 35%, based upon presentation by the licensees as to costs to
13 provide the service and a fair rate of return. This rate shall
14 be established by administrative rule.

15 Without prejudice to the determination by the Department of
16 the appropriate rate through administrative rule, a collection
17 agency shall impose a fee of not more than 29% of the amount of
18 child support actually collected by the collection agency
19 subject to the provisions of subsection (a-5). This interim
20 rate is based upon the March 2002 General Account Office report
21 "Child Support Enforcement", GAO-02-349. This rate shall apply
22 until a fee rate is established by administrative rule.

23 (b) The Department shall adopt rules necessary to
24 administer and enforce the provisions of this Section.

25 (Source: P.A. 93-896, eff. 8-10-04; 94-414, eff. 12-31-05.)

1 (225 ILCS 425/3) (from Ch. 111, par. 2006)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 3. A person, ~~association, partnership, corporation,~~
4 ~~or other legal entity~~ acts as a collection agency when he, she,
5 or it:

6 (a) Engages in the business of collection for others of
7 any account, bill or other debt ~~indebtedness~~;

8 (b) Receives, by assignment or otherwise, accounts,
9 bills, or other debt ~~indebtedness~~ from any person owning or
10 controlling 20% or more of the business receiving the
11 assignment, with the purpose of collecting monies due on
12 such account, bill or other debt ~~indebtedness~~;

13 (c) Sells or attempts to sell, or gives away or
14 attempts to give away to any other person, other than one
15 licensed ~~registered~~ under this Act, any system of
16 collection, letters, demand forms, or other printed matter
17 where the name of any person, other than that of the
18 creditor, appears in such a manner as to indicate, directly
19 or indirectly, that a request or demand is being made by
20 any person other than the creditor for the payment of the
21 sum or sums due or asserted to be due;

22 (d) Buys accounts, bills or other debt ~~indebtedness~~ and
23 ~~engages in collecting the same; or~~

24 (e) Uses a fictitious name in collecting its own
25 accounts, bills, or debts with the intention of conveying
26 to the debtor that a third party has been employed to make

1 such collection; or -

2 (f) Engages in the business of collection of a check or
3 other payment that is returned unpaid by the financial
4 institution upon which it is drawn.

5 (Source: P.A. 94-414, eff. 12-31-05; 95-437, eff. 1-1-08.)

6 (225 ILCS 425/4) (from Ch. 111, par. 2007)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 4. No collection agency shall operate in this State,
9 directly or indirectly engage in the business of collecting
10 debt, solicit debt claims for others, have a sales office, a
11 client, or solicit a client in this State, exercise the right
12 to collect, or receive payment for another of any debt account,
13 ~~bill or other indebtedness,~~ without obtaining a license
14 ~~registering~~ under this Act except that no collection agency
15 shall be required to be licensed ~~or maintain an established~~
16 ~~business address in this State~~ if the agency's activities in
17 this State are limited to collecting debts from debtors located
18 in this State by means of interstate communication, including
19 telephone, mail, or facsimile transmission, electronic mail,
20 or any other Internet communication from the agency's location
21 in another state provided they are licensed in that state and
22 these same privileges are permitted in that licensed state to
23 agencies licensed in Illinois.

24 (Source: P.A. 88-363; 89-387, eff. 1-1-96.)

1 (225 ILCS 425/4.5)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 4.5. Unlicensed practice; violation; civil penalty.

4 (a) Any person who practices, offers to practice, attempts
5 to practice, or holds oneself out to practice as a collection
6 agency without being licensed under this Act shall, in addition
7 to any other penalty provided by law, pay a civil penalty to
8 the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for
9 each offense as determined by the Department. The civil penalty
10 shall be assessed by the Department after a hearing is held in
11 accordance with the provisions set forth in this Act regarding
12 the provision of a hearing for the discipline of a licensee.

13 (b) The Department has the authority and power to
14 investigate any and all unlicensed activity. In addition to
15 taking any other action provided under this Act, whenever the
16 Department has reason to believe a person, ~~association,~~
17 ~~partnership, corporation, or other legal entity~~ has violated
18 any provision of subsection (a) of this Section, the Department
19 may issue a rule to show cause why an order to cease and desist
20 should not be entered against that person, ~~association,~~
21 ~~partnership, corporation, or other legal entity~~. The rule shall
22 clearly set forth the grounds relied upon by the Department and
23 shall provide a period of 7 days from the date of the rule to
24 file an answer to the satisfaction of the Department. Failure
25 to answer to the satisfaction of the Department shall cause an
26 order to cease and desist to be issued immediately.

1 (c) The civil penalty shall be paid within 60 days after
2 the effective date of the order imposing the civil penalty. The
3 order shall constitute a judgment and may be filed and
4 execution had thereon in the same manner as any judgment from
5 any court of record.

6 (d) All moneys collected under this Section shall be
7 deposited into the General Professions Dedicated Fund.

8 (Source: P.A. 94-414, eff. 12-31-05.)

9 (225 ILCS 425/5) (from Ch. 111, par. 2008)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 5. Application for original license. Application for
12 an original license registration shall be made to the Secretary
13 Director on forms provided by the Department, shall be
14 accompanied by the required fee and shall state:

15 (1) the applicant's name and address;

16 (2) the names and addresses of the officers of the
17 collection agency and, if the collection agency is a
18 corporation, the names and addresses of all persons owning
19 10% or more of the stock of such corporation, if the
20 collection agency is a partnership, the names and addresses
21 of all partners of the partnership holding a 10% or more
22 interest in the partnership, ~~and,~~ if the collection agency
23 is a limited liability company, the names and addresses of
24 all members holding 10% or more interest in the limited
25 liability company, and if the collection agency is any

1 other legal business entity, the names and addresses of all
2 persons owning 10% or more interest in the entity; and

3 (3) such other information as the Department may deem
4 necessary.

5 (Source: P.A. 94-414, eff. 12-31-05.)

6 (225 ILCS 425/7) (from Ch. 111, par. 2010)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 7. Qualifications for license. In order to be
9 qualified to obtain a license or a renewal license ~~certificate~~
10 ~~or a renewal certificate~~ under this Act, a collection agency's
11 officers shall:

12 (a) be of good moral character and of the age of 18 years
13 or more;

14 (b) (blank); and ~~have had at least one year experience~~
15 ~~working in the credit field or a related area, or be qualified~~
16 ~~for an original license under Section 6 (c) of this Act;~~

17 (c) have an acceptable credit rating, have no unsatisfied
18 judgments; and not have been officers and owners of 10% or more
19 interest of a former licensee or registrant under this Act
20 whose licenses or certificates were suspended or revoked
21 without subsequent reinstatement.

22 (Source: P.A. 89-387, eff. 1-1-96.)

23 (225 ILCS 425/8) (from Ch. 111, par. 2011)

24 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 8. Bond requirement. ~~A Before issuing a certificate or~~
2 ~~renewing one, the Director shall require each~~ collection agency
3 shall be required to file and maintain in force a surety bond,
4 issued by an insurance company authorized to transact fidelity
5 and surety business in the State of Illinois. The bond shall be
6 for the benefit of creditors who obtain a judgment from a court
7 of competent jurisdiction based on the failure of the agency to
8 remit money collected on account and owed to the creditor. No
9 action on the bond shall be commenced more than one year after
10 the creditor obtains a judgment against the collection agency
11 from a court of competent jurisdiction. The bond shall be in
12 the form prescribed by the Secretary ~~Director~~ in the sum of
13 \$25,000. The bond shall be continuous in form and run
14 concurrently with the original and each renewal license period
15 unless terminated by the insurance company. An insurance
16 company may terminate a bond and avoid further liability by
17 filing a 60-day notice of termination with the Department and
18 at the same time sending the same notice to the agency. A
19 license ~~certificate of registration~~ shall be cancelled on the
20 termination date of the agency's bond unless a new bond is
21 filed with the Department to become effective at the
22 termination date of the prior bond. If a license ~~certificate of~~
23 ~~registration~~ has been cancelled under this Section, the agency
24 must file a new application and will be considered a new
25 applicant if it obtains a new bond.

26 (Source: P.A. 84-242.)

1 (225 ILCS 425/8a) (from Ch. 111, par. 2011a)
2 (Section scheduled to be repealed on January 1, 2016)
3 Sec. 8a. Fees.

4 (a) ~~The Department shall provide by rule for a schedule of~~
5 fees for the administration and enforcement of this Act,
6 including but not limited to original licensure, renewal, and
7 restoration, shall be set by the Department by rule. The fees
8 shall be nonrefundable.

9 (b) All fees collected under this Act shall be deposited
10 into the General Professions Dedicated Fund and shall be
11 appropriated to the Department for the ordinary and contingent
12 expenses of the Department in the administration of this Act.
13 (Source: P.A. 91-454, eff. 1-1-00.)

14 (225 ILCS 425/8b) (from Ch. 111, par. 2011b)
15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 8b. Assignment for collection. An account may be
17 assigned to a collection agency for collection with title
18 passing to the collection agency to enable collection of the
19 account in the agency's name as assignee for the creditor
20 provided:

21 (a) The assignment is manifested by a written agreement,
22 separate from and in addition to any document intended for the
23 purpose of listing a debt with a collection agency. The
24 document manifesting the assignment shall specifically state

1 and include:

2 (i) the effective date of the assignment; and

3 (ii) the consideration for the assignment.

4 (b) The consideration for the assignment may be paid or
5 given either before or after the effective date of the
6 assignment. The consideration may be contingent upon the
7 settlement or outcome of litigation and if the debt claim being
8 assigned has been listed with the collection agency as an
9 account for collection, the consideration for assignment may be
10 the same as the fee for collection.

11 (c) All assignments shall be voluntary and properly
12 executed and acknowledged by the corporate authority or
13 individual transferring title to the collection agency before
14 any action can be taken in the name of the collection agency.

15 (d) No assignment shall be required by any agreement to
16 list a debt with a collection agency as an account for
17 collection.

18 (e) No litigation shall commence in the name of the
19 licensee as plaintiff unless: (i) there is an assignment of the
20 account that satisfies the requirements of this Section and
21 (ii) the licensee is represented by a licensed attorney at law.

22 (f) If a collection agency takes assignments of accounts
23 from 2 or more creditors against the same debtor and commences
24 litigation against that debtor in a single action, in the name
25 of the collection agency, then (i) the complaint must be stated
26 in separate counts for each assignment and (ii) the debtor has

1 an absolute right to have any count severed from the rest of
2 the action.

3 (Source: P.A. 89-387, eff. 1-1-96.)

4 (225 ILCS 425/8c) (from Ch. 111, par. 2011c)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 8c. (a) Each licensed collection agency ~~office~~ shall
7 at all times maintain a separate bank account in which all
8 monies received on debts ~~claims~~ shall be deposited, referred to
9 as a "Trust Account", except that negotiable instruments
10 received may be forwarded directly to a creditor if such
11 procedure is provided for by a writing executed by the
12 creditor. Monies received shall be so deposited within 5
13 business days after posting to the agency's books of account.

14 There shall be sufficient funds in the trust account at all
15 times to pay the creditors the amount due them.

16 (b) The trust account shall be established in a bank,
17 savings and loan association, or other recognized depository
18 which is federally or State insured or otherwise secured as
19 defined by rule. Such account may be interest bearing. The
20 licensee shall pay to the creditor interest earned on funds on
21 deposit after the sixtieth day.

22 (c) Notwithstanding any contractual arrangement, every
23 client of a licensee shall within 60 days after the close of
24 each calendar month, account and pay to the licensee collection
25 agency all sums owed to the collection agency for payments

1 received by the client during that calendar month on debts
2 ~~claims~~ in possession of the collection agency. If a client
3 fails to pay the licensee any sum due under this Section, the
4 licensee shall, in addition to other remedies provided by law,
5 have the right to offset any money due the licensee under this
6 Section against any moneys due the client.

7 (d) Each collection agency shall keep on file the name of
8 the bank, savings and loan association, or other recognized
9 depository in which each trust account is maintained, the name
10 of each trust account, and the names of the persons authorized
11 to withdraw funds from each account.

12 The collection agency, within 30 days of the time of a
13 change of depository or person authorized to make withdrawal,
14 shall update its files to reflect such change.

15 An examination and audit of an agency's trust accounts may
16 be made by the Department as the Department deems appropriate.

17 A trust account financial report shall be submitted
18 annually on forms provided by the Department.

19 (Source: P.A. 89-387, eff. 1-1-96.)

20 (225 ILCS 425/9) (from Ch. 111, par. 2012)

21 (Section scheduled to be repealed on January 1, 2016)

22 Sec. 9. Disciplinary actions.

23 (a) The Department may refuse to issue or renew, or may
24 revoke, suspend, place on probation, reprimand or take other
25 disciplinary or non-disciplinary action as the Department may

1 deem proper, including fines ~~not to exceed \$5,000 for a first~~
2 ~~violation and~~ not to exceed \$10,000 per violation ~~for a second~~
3 ~~or subsequent violation~~, for any one or any combination of the
4 following causes:

5 (1) Material misstatement in furnishing information to
6 the Department.

7 (2) ~~(1)~~ Violations of this Act or of the rules
8 promulgated hereunder.

9 (3) ~~(2)~~ Conviction by plea of guilty or nolo
10 contendere, finding of guilt, jury verdict, or entry of
11 judgment or by sentencing of any crime, including, but not
12 limited to, convictions, preceding sentences of
13 supervision, conditional discharge, or first offender
14 probation of the collection agency or any of the officers
15 or owners of more than 10% interest ~~principals~~ of the
16 agency of any crime under the laws of any U.S. jurisdiction
17 that (i) is a felony, (ii) is a misdemeanor, an essential
18 element of which is dishonesty, or (iii) is directly
19 related to the practice of a collection agency ~~any U.S.~~
20 ~~jurisdiction which is a felony, a misdemeanor an essential~~
21 ~~element of which is dishonesty, or of any crime which~~
22 ~~directly relates to the practice of the profession.~~

23 (4) Fraud or ~~(3)~~ ~~Making any~~ misrepresentation in
24 applying for, or procuring, a license under this Act or in
25 connection with applying for renewal of ~~for the purpose of~~
26 ~~obtaining a license~~ under this Act ~~or certificate.~~

1 (5) Aiding or assisting another person in violating any
2 provision of this Act or rules adopted under this Act.

3 (6) Failing, within 60 days, to provide information in
4 response to a written request made by the Department.

5 (7) ~~(4)~~ Habitual or excessive use or addiction to
6 alcohol, narcotics, stimulants or any other chemical agent
7 or drug which results in the inability to practice with
8 reasonable judgment, skill, or safety by any of the
9 officers or owners of 10% or more interest ~~principals~~ of a
10 collection agency.

11 (8) ~~(5)~~ Discipline by another state, the District of
12 Columbia, a territory of the United States, U.S.
13 jurisdiction or a foreign nation, if at least one of the
14 grounds for the discipline is the same or substantially
15 equivalent to those set forth in this Act.

16 (9) ~~(6)~~ A finding by the Department that the licensee,
17 after having his license placed on probationary status, has
18 violated the terms of probation.

19 (10) Willfully making or filing false records or
20 reports in his or her practice, including, but not limited
21 to, false records filed with State agencies or departments.

22 (11) ~~(7)~~ Practicing or attempting to practice under a
23 false or, except as provided by law, an assumed name ~~a name~~
24 other than the name as shown on his or her license or any
25 other legally authorized name.

26 (12) ~~(8)~~ A finding by the Federal Trade Commission that

1 a licensee violated the federal ~~Federal~~ Fair Debt ~~and~~
2 Collection Practices Act or its rules.

3 (13) ~~(9)~~ Failure to file a return, or to pay the tax,
4 penalty or interest shown in a filed return, or to pay any
5 final assessment of tax, penalty or interest, as required
6 by any tax Act administered by the Illinois Department of
7 Revenue until such time as the requirements of any such tax
8 Act are satisfied.

9 (14) ~~(10)~~ Using or threatening to use force or violence
10 to cause physical harm to a debtor, his or her family or
11 his or her property.

12 (15) ~~(11)~~ Threatening to instigate an arrest or
13 criminal prosecution where no basis for a criminal
14 complaint lawfully exists.

15 (16) ~~(12)~~ Threatening the seizure, attachment or sale
16 of a debtor's property where such action can only be taken
17 pursuant to court order without disclosing that prior court
18 proceedings are required.

19 (17) ~~(13)~~ Disclosing or threatening to disclose
20 information adversely affecting a debtor's reputation for
21 credit worthiness with knowledge the information is false.

22 (18) ~~(14)~~ Initiating or threatening to initiate
23 communication with a debtor's employer unless there has
24 been a default of the payment of the obligation for at
25 least 30 days and at least 5 days prior written notice, to
26 the last known address of the debtor, of the intention to

1 communicate with the employer has been given to the
2 employee, except as expressly permitted by law or court
3 order.

4 (19) ~~(15)~~ Communicating with the debtor or any member
5 of the debtor's family at such a time of day or night and
6 with such frequency as to constitute harassment of the
7 debtor or any member of the debtor's family. For purposes
8 of this Section the following conduct shall constitute
9 harassment:

10 (A) Communicating with the debtor or any member of
11 his or her family in connection with the collection of
12 any debt without the prior consent of the debtor given
13 directly to the debt collector, or the express
14 permission of a court of competent jurisdiction, at any
15 unusual time or place or a time or place known or which
16 should be known to be inconvenient to the debtor. In
17 the absence of knowledge of circumstances to the
18 contrary, a debt collector shall assume that the
19 convenient time for communicating with a consumer is
20 after 8 o'clock a.m. and before 9 o'clock p.m. local
21 time at the debtor's location.

22 (B) The threat of publication or publication of a
23 list of consumers who allegedly refuse to pay debts,
24 except to a consumer reporting agency.

25 (C) The threat of advertisement or advertisement
26 for sale of any debt to coerce payment of the debt.

1 (D) Causing a telephone to ring or engaging any
2 person in telephone conversation repeatedly or
3 continuously with intent to annoy, abuse, or harass any
4 person at the called number.

5 (20) ~~(16)~~ Using profane, obscene or abusive language in
6 communicating with a debtor, his or her family or others.

7 (21) ~~(17)~~ Disclosing or threatening to disclose
8 information relating to a debtor's debt ~~indebtedness~~ to any
9 other person except where such other person has a
10 legitimate business need for the information or except
11 where such disclosure is permitted ~~regulated~~ by law.

12 (22) ~~(18)~~ Disclosing or threatening to disclose
13 information concerning the existence of a debt which the
14 collection agency ~~debt collector~~ knows to be ~~reasonably~~
15 disputed by the debtor without disclosing the fact that the
16 debtor disputes the debt.

17 (23) ~~(19)~~ Engaging in any conduct that is ~~which the~~
18 ~~Director finds was~~ intended to cause and did cause mental
19 or physical illness to the debtor or his or her family.

20 (24) ~~(20)~~ Attempting or threatening to enforce a right
21 or remedy with knowledge or reason to know that the right
22 or remedy does not exist.

23 (25) ~~(21)~~ Failing to disclose to the debtor or his or
24 her family the corporate, partnership or proprietary name,
25 or other trade or business name, under which the collection
26 agency ~~debt collector~~ is engaging in debt collections and

1 which he or she is legally authorized to use.

2 (26) ~~(22)~~ Using any form of communication which
3 simulates legal or judicial process or which gives the
4 appearance of being authorized, issued or approved by a
5 governmental agency or official or by an attorney at law
6 when it is not.

7 (27) ~~(23)~~ Using any badge, uniform, or other indicia of
8 any governmental agency or official except as authorized by
9 law.

10 (28) ~~(24)~~ Conducting business under any name or in any
11 manner which suggests or implies that the collection agency
12 ~~a debt collector is bonded if such collector is or is a~~
13 branch of or is affiliated in with any way with a
14 governmental agency or court if such collection agency
15 ~~collector~~ is not.

16 (29) ~~(25)~~ Failing to disclose, at the time of making
17 any demand for payment, the name of the person to whom the
18 debt claim is owed and at the request of the debtor, the
19 address where payment is to be made and the address of the
20 person to whom the debt claim is owed.

21 (30) ~~(26)~~ Misrepresenting the amount of the ~~claim or~~
22 debt alleged to be owed.

23 (31) ~~(27)~~ Representing that an existing debt may be
24 increased by the addition of attorney's fees,
25 investigation fees or any other fees or charges when such
26 fees or charges may not legally be added to the existing

1 debt.

2 (32) ~~(28)~~ Representing that the collection agency ~~debt~~
3 ~~collector~~ is an attorney at law or an agent for an attorney
4 if he or she is not.

5 (33) ~~(29)~~ Collecting or attempting to collect any
6 interest or other charge or fee in excess of the actual
7 debt ~~or claim~~ unless such interest or other charge or fee
8 is expressly authorized by the agreement creating the debt
9 ~~or claim~~ unless expressly authorized by law or unless in a
10 commercial transaction such interest or other charge or fee
11 is expressly authorized in a subsequent agreement. If a
12 contingency or hourly fee arrangement (i) is established
13 under an agreement between a collection agency and a
14 creditor to collect a debt and (ii) is paid by a debtor
15 pursuant to a contract between the debtor and the creditor,
16 then that fee arrangement does not violate this Section
17 unless the fee is unreasonable. The Department shall
18 determine what constitutes a reasonable collection fee.

19 (34) ~~(30)~~ Communicating or threatening to communicate
20 with a debtor when the collection agency ~~debt collector~~ is
21 informed in writing by an attorney that the attorney
22 represents the debtor concerning the debt claim, ~~unless~~
23 ~~authorized by the attorney~~. If the attorney fails to
24 respond within a reasonable period of time, the collector
25 may communicate with the debtor. The collector may
26 communicate with the debtor when the attorney gives his or

1 her consent.

2 (35) ~~(31)~~ Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (b) The Department shall deny any license or renewal
6 authorized by this Act to any person who has defaulted on an
7 educational loan guaranteed by the Illinois State Scholarship
8 Commission; however, the Department may issue a license or
9 renewal if the person in default has established a satisfactory
10 repayment record as determined by the Illinois State
11 Scholarship Commission.

12 No collection agency ~~debt collector~~ while collecting or
13 attempting to collect a debt shall engage in any of the Acts
14 specified in this Section, each of which shall be unlawful
15 practice.

16 (Source: P.A. 94-414, eff. 12-31-05.)

17 (225 ILCS 425/9.1)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 9.1. Communication with persons other than debtor. Any
20 ~~debt collector or~~ collection agency communicating with any
21 person other than the debtor for the purpose of acquiring
22 location information about the debtor shall:

23 (1) identify himself or herself, state that he or she
24 is confirming or correcting location information
25 concerning the consumer, and, ~~only if expressly requested,~~

1 identify his or her employer;

2 (2) not state that the consumer owes any debt;

3 (3) not communicate with any person more than once
4 unless requested to do so by the person or unless the ~~debt~~
5 ~~collector or~~ collection agency reasonably believes that
6 the earlier response of the person is erroneous or
7 incomplete and that the person now has correct or complete
8 location information;

9 (4) not communicate by postcard;

10 (5) not use any language or symbol on any envelope or
11 in the contents of any communication effected by mail or
12 telegram that indicates that the ~~debt collector or~~
13 collection agency is in the debt collection business or
14 that the communication relates to the collection of a debt;
15 and

16 (6) not communicate with any person other than the
17 attorney after the ~~debt collector or~~ collection agency
18 knows the debtor is represented by an attorney with regard
19 to the subject debt and has knowledge of or can readily
20 ascertain the attorney's name and address, ~~not communicate~~
21 ~~with any person other than the attorney,~~ unless the
22 attorney fails to respond within a reasonable period of
23 time, not less than 30 days, to communication from the ~~debt~~
24 ~~collector or~~ collection agency.

25 (Source: P.A. 95-437, eff. 1-1-08; 95-876, eff. 8-21-08.)

1 (225 ILCS 425/9.2)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 9.2. Communication in connection with debt
4 collection.

5 (a) Without the prior consent of the debtor given directly
6 to the ~~debt collector or~~ collection agency or the express
7 permission of a court of competent jurisdiction, a ~~debt~~
8 ~~collector or~~ collection agency may not communicate with a
9 debtor in connection with the collection of any debt in any of
10 the following circumstances:

11 (1) At any unusual time, place, or manner that is known
12 or should be known to be inconvenient to the debtor. In the
13 absence of knowledge of circumstances to the contrary, a
14 ~~debt collector or~~ collection agency shall assume that the
15 convenient time for communicating with a debtor is after
16 8:00 ~~8 o'clock~~ a.m. and before 9:00 ~~9 o'clock~~ p.m. local
17 time at the debtor's location.

18 (2) If the ~~debt collector or~~ collection agency knows
19 the debtor is represented by an attorney with respect to
20 such debt and has knowledge of or can readily ascertain,
21 the attorney's name and address, unless the attorney fails
22 to respond within a reasonable period of time to a
23 communication from the ~~debt collector or~~ collection agency
24 or unless the attorney consents to direct communication
25 with the debtor.

26 (3) At the debtor's place of employment, if the ~~debt~~

1 ~~collector or~~ collection agency knows or has reason to know
2 that the debtor's employer prohibits the debtor from
3 receiving such communication.

4 (b) Except as provided in Section 9.1 of this Act, without
5 the prior consent of the debtor given directly to the ~~debt~~
6 ~~collector or~~ collection agency, ~~or~~ the express permission of a
7 court of competent jurisdiction, ~~or~~ as reasonably necessary to
8 effectuate a post judgment judicial remedy, a ~~debt collector or~~
9 collection agency may not communicate, in connection with the
10 collection of any debt, with any person other than the debtor,
11 the debtor's attorney, a consumer reporting agency if otherwise
12 permitted by law, the creditor, the attorney of the creditor,
13 or the attorney of the collection agency.

14 (c) If a debtor notifies a ~~debt collector or~~ collection
15 agency in writing that the debtor refuses to pay a debt or that
16 the debtor wishes the ~~debt collector or~~ collection agency to
17 cease further communication with the debtor, the ~~debt collector~~
18 ~~or~~ collection agency may not communicate further with the
19 debtor with respect to such debt, except to perform any of the
20 following tasks:

21 (1) Advise the debtor that the ~~debt collector's or~~
22 collection agency's further efforts are being terminated.

23 (2) Notify the debtor that the collection agency or
24 creditor may invoke specified remedies that are ordinarily
25 invoked by such collection agency or creditor.

26 (3) Notify the debtor that the collection agency or

1 creditor intends to invoke a specified remedy.

2 If such notice from the debtor is made by mail,
3 notification shall be complete upon receipt.

4 (d) For the purposes of this Section, "debtor" includes the
5 debtor's spouse, parent (if the debtor is a minor), guardian,
6 executor, or administrator.

7 (Source: P.A. 95-437, eff. 1-1-08.)

8 (225 ILCS 425/9.3)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 9.3. Validation of debts.

11 (a) Within 5 days after the initial communication with a
12 debtor in connection with the collection of any debt, a ~~debt~~
13 ~~collector or~~ collection agency shall, unless the following
14 information is contained in the initial communication or the
15 debtor has paid the debt, send the debtor a written notice with
16 each of the following disclosures:

17 (1) The amount of the debt.

18 (2) The name of the creditor to whom the debt is owed.

19 (3) That, unless the debtor, within 30 days after
20 receipt of the notice, disputes the validity of the debt,
21 or any portion thereof, the debt will be assumed to be
22 valid by the ~~debt collector or~~ collection agency.

23 (4) That, if the debtor notifies the ~~debt collector or~~
24 collection agency in writing within the 30-day period that
25 the debt, or any portion thereof, is disputed, the ~~debt~~

1 ~~collector or~~ collection agency will obtain verification of
2 the debt or a copy of a judgment against the debtor and a
3 copy of the verification or judgment will be mailed to the
4 debtor by the ~~debt collector or~~ collection agency.

5 (5) The ~~That upon the debtor's written request within~~
6 ~~the 30 day period, the debt collector or~~ collection agency
7 will provide the debtor with the name and address of the
8 original creditor, if different from the current creditor.
9 If the disclosures required under this subsection (a) are
10 placed on the back of the notice, the front of the notice
11 shall contain a statement notifying debtors of that fact.

12 (b) If the debtor notifies the ~~debt collector or~~ collection
13 agency in writing within the 30-day period set forth in
14 paragraph (3) of subsection (a) of this Section that the debt,
15 or any portion thereof, is disputed ~~or that the debtor requests~~
16 ~~the name and address of the original creditor,~~ the ~~debt~~
17 ~~collector or~~ collection agency shall cease collection of the
18 debt, or any disputed portion thereof, until the ~~debt collector~~
19 ~~or~~ collection agency obtains verification of the debt or a copy
20 of a judgment ~~or the name and address of the original creditor~~
21 and mails a copy of the verification or judgment ~~or name and~~
22 ~~address of the original creditor~~ to the debtor.

23 (c) The failure of a debtor to dispute the validity of a
24 debt under this Section shall not be construed by any court as
25 an admission of liability by the debtor.

26 (Source: P.A. 95-437, eff. 1-1-08.)

1 (225 ILCS 425/9.4)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 9.4. Debt collection as a result of identity theft.

4 (a) Upon receipt from a debtor of all of the following
5 information, a ~~debt collector or~~ collection agency must cease
6 collection activities until completion of the review provided
7 in subsection (d) of this Section:

8 (1) A copy of a police report filed by the debtor
9 alleging that the debtor is the victim of an identity theft
10 crime for the specific debt being collected by the
11 collection agency ~~debt collector~~.

12 (2) The debtor's written statement that the debtor
13 claims to be the victim of identity theft with respect to
14 the specific debt being collected by the collection agency
15 ~~debt collector~~, including (i) a Federal Trade Commission's
16 Affidavit of Identity Theft, (ii) an Illinois Attorney
17 General ID Theft Affidavit, or (iii) a written statement
18 that certifies that the representations are true, correct,
19 and contain no material omissions of fact to the best
20 knowledge and belief of the person submitting the
21 certification. This written statement must contain or be
22 accompanied by, each of the following, to the extent that
23 an item listed below is relevant to the debtor's allegation
24 of identity theft with respect to the debt in question:

25 (A) A statement that the debtor is a victim of

1 identity theft.

2 (B) A copy of the debtor's driver's license or
3 identification card, as issued by this State.

4 (C) Any other identification document that
5 supports the statement of identity theft.

6 (D) Specific facts supporting the claim of
7 identity theft, if available.

8 (E) Any explanation showing that the debtor did not
9 incur the debt.

10 (F) Any available correspondence disputing the
11 debt after transaction information has been provided
12 to the debtor.

13 (G) Documentation of the residence of the debtor at
14 the time of the alleged debt, which may include copies
15 of bills and statements, such as utility bills, tax
16 statements, or other statements from businesses sent
17 to the debtor and showing that the debtor lived at
18 another residence at the time the debt was incurred.

19 (H) A telephone number for contacting the debtor
20 concerning any additional information or questions or
21 direction that further communications to the debtor be
22 in writing only, with the mailing address specified in
23 the statement.

24 (I) To the extent the debtor has information
25 concerning who may have incurred the debt, the
26 identification of any person whom the debtor believes

1 is responsible.

2 (J) An express statement that the debtor did not
3 authorize the use of the debtor's name or personal
4 information for incurring the debt.

5 (b) A written certification submitted pursuant to item
6 (iii) of paragraph (2) of subsection (a) of this Section shall
7 be sufficient if it is in substantially the following form:

8 "I certify that the representations made are true, correct,
9 and contain no material omissions of fact known to me.

10 (Signature)

11 (Date)"

12 (c) If a debtor notifies a ~~debt collector or~~ collection
13 agency orally that he or she is a victim of identity theft, the
14 ~~debt collector or~~ collection agency shall notify the debtor
15 orally or in writing, that the debtor's claim must be in
16 writing. If a debtor notifies a ~~debt collector or~~ collection
17 agency in writing that he or she is a victim of identity theft,
18 but omits information required pursuant to this Section, and if
19 the ~~debt collector or~~ collection agency continues ~~does not~~
20 ~~ease~~ collection activities, the ~~debt collector or~~ collection
21 agency must provide written notice to the debtor of the
22 additional information that is required or send the debtor a
23 copy of the Federal Trade Commission's ~~Affidavit of~~ Identity

1 Theft Affidavit form.

2 (d) Upon receipt of the complete statement and information
3 described in subsection (a) of this Section, the collection
4 agency ~~debt collector~~ shall review and consider all of the
5 information provided by the debtor and other information
6 available to the ~~debt collector or~~ collection agency in its
7 file or from the creditor. The ~~debt collector or~~ collection
8 agency may recommence debt collection activities only upon
9 making a good faith determination that the information does not
10 establish that the debtor is not responsible for the specific
11 debt in question. The ~~debt collector or~~ collection agency must
12 notify the debtor ~~consumer~~ in writing of that determination and
13 the basis for that determination before proceeding with any
14 further collection activities. The ~~debt collector's or~~
15 collection agency's determination shall be based on all of the
16 information provided by the debtor and other information
17 available to the ~~debt collector or~~ collection agency in its
18 file or from the creditor.

19 (e) No inference or presumption that the debt is valid or
20 invalid or that the debtor is liable or not liable for the debt
21 may arise if the ~~debt collector or~~ collection agency decides
22 after the review described in subsection (d) to cease or
23 recommence the debt collection activities. The exercise or
24 non-exercise of rights under this Section is not a waiver of
25 any other right or defense of the debtor or collection agency
26 ~~debt collector~~.

1 (f) A ~~debt collector or~~ collection agency that (i) ceases
2 collection activities under this Section, (ii) does not
3 recommence those collection activities, and (iii) furnishes
4 adverse information to a consumer credit reporting agency, must
5 notify the consumer credit reporting agency to delete that
6 adverse information.

7 (Source: P.A. 95-437, eff. 1-1-08.)

8 (225 ILCS 425/9.5)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 9.5. Statute of limitations. No action may be filed
11 against any licensee ~~registrant~~ for violation of the terms of
12 this Act or its rules unless the action is commenced within 5
13 years after the occurrence of the alleged violation. A
14 continuing violation will be deemed to have occurred on the
15 date when the circumstances first existed which gave rise to
16 the alleged continuing violation.

17 (Source: P.A. 89-387, eff. 1-1-96.)

18 (225 ILCS 425/9.7)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 9.7. Enforcement under the Consumer Fraud and
21 Deceptive Business Practices Act. The Attorney General may
22 enforce the knowing violation of Section 9 (except for items
23 (2) through (4), (7) through (9), (11) through (13), and (23)
24 ~~(1) through (9) and (19)~~ of subsection (a)), 9.1, 9.2, 9.3, or

1 9.4 of this Act as an unlawful practice under the Consumer
2 Fraud and Deceptive Business Practices Act.

3 (Source: P.A. 95-437, eff. 1-1-08.)

4 (225 ILCS 425/9.22) (from Ch. 111, par. 2034)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 9.22. Administrative Procedure Act. The Illinois
7 Administrative Procedure Act is hereby expressly adopted and
8 incorporated herein as if all of the provisions of that Act
9 were included in this Act, except that the provision of
10 subsection (d) of Section 10-65 of the Illinois Administrative
11 Procedure Act that provides that at hearings the licensee has
12 the right to show compliance with all lawful requirements for
13 retention, continuation or renewal of the license is
14 specifically excluded. For the purposes of this Act the notice
15 required under Section 10-25 of the Administrative Procedure
16 Act is deemed sufficient when mailed to the ~~last known~~ address
17 of record of a party.

18 (Source: P.A. 88-45.)

19 (225 ILCS 425/11) (from Ch. 111, par. 2036)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 11. Informal conferences. Informal conferences shall
22 be conducted with at least one member of the ~~Licensing and~~
23 ~~Disciplinary~~ Board in attendance. Notwithstanding any
24 provisions concerning the conduct of hearings and

1 recommendations for disciplinary actions, the Department has
2 the authority to negotiate agreements with licensees
3 ~~registrants~~ and applicants resulting in disciplinary or
4 non-disciplinary consent orders. The consent orders may
5 provide for any of the forms of discipline provided in this
6 Act. The consent orders shall provide that they were not
7 entered into as a result of any coercion by the Department.

8 (Source: P.A. 89-387, eff. 1-1-96.)

9 (225 ILCS 425/13.1) (from Ch. 111, par. 2038.1)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 13.1. Collection Agency Licensing and Disciplinary
12 Board; members; qualifications; duties.

13 (a) There is created in the Department the Collection
14 Agency Licensing and Disciplinary Board composed of 7 members
15 appointed by the Secretary ~~Director~~. Five members of the Board
16 shall be employed in a collection agency licensed ~~registered~~
17 under this Act and 2 members of the Board shall represent the
18 general public, ~~and~~ shall not be employed by or possess an
19 ownership interest in any collection agency licensed
20 ~~registered~~ under this Act, and shall have no family or business
21 connection with the practice of collection agencies.

22 (b) Each of the members appointed to the Board, except for
23 the public members, shall have at least 5 years of active
24 collection agency experience.

25 (c) The Board shall annually elect a chairperson ~~chairman~~

1 from among its members ~~and shall meet at least twice each year.~~
2 The members of the Board shall receive no compensation for
3 their services, but shall be reimbursed for their necessary
4 ~~actual~~ expenses as authorized by the Department while engaged
5 in incurred in the performance of their duties.

6 (d) Members shall serve for a term of 4 years and until
7 their successors are appointed and qualified. No Board member~~7~~
8 ~~after the effective date of this amendatory Act of 1995,~~ shall
9 be appointed to more than 2 full consecutive terms. A partial
10 term of more than 2 years shall be considered a full term ~~The~~
11 ~~initial terms created by this amendatory Act of 1995 shall~~
12 ~~count as full terms for the purposes of reappointment to the~~
13 ~~Board.~~ Appointments to fill vacancies for the unexpired portion
14 of a vacated term shall be made in the same manner as original
15 appointments. All members shall serve until their successors
16 are appointed and qualified.

17 (e) The Secretary may remove any member of the Board for
18 cause at any time before the expiration of his or her term. The
19 Secretary shall be the sole arbiter of cause.

20 (f) The majority of the Board shall constitute a quorum. A
21 vacancy in the membership of the Board shall not impair the
22 right of a quorum to exercise all the duties of the Board.

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

26 ~~The appointments of those Board members currently~~

1 ~~appointed shall end upon the effective date of this amendatory~~
2 ~~Act of 1995, and those Board members currently sitting at the~~
3 ~~effective date of this amendatory Act of 1995, shall be~~
4 ~~reappointed to the following terms by and in the discretion of~~
5 ~~the Director:~~

6 ~~(1) one member shall be appointed for one year;~~

7 ~~(2) two members shall be appointed to serve 2 years;~~

8 ~~(3) two members shall be appointed to serve 3 years;~~

9 and

10 ~~(4) two members shall be appointed to serve for 4~~
11 ~~years.~~

12 ~~All members shall serve until their successors are appointed~~
13 ~~and qualified.~~

14 ~~The Board members appointed to terms by this amendatory Act~~
15 ~~of 1995 shall be appointed as soon as possible after the~~
16 ~~effective date of this amendatory Act of 1995.~~

17 (Source: P.A. 89-387, eff. 1-1-96.)

18 (225 ILCS 425/13.2) (from Ch. 111, par. 2038.2)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 13.2. Powers and duties of Department. The Department
21 shall exercise the powers and duties prescribed by the Civil
22 Administrative Code of Illinois for the administration of
23 licensing Acts and shall exercise such other powers and duties
24 necessary for effectuating the purposes of this Act.

25 ~~The Director shall promulgate rules consistent with the~~

1 ~~provisions of this Act, for its administration and enforcement,~~
2 ~~and may prescribe forms which shall be issued in connection~~
3 ~~therewith. The rules shall include standards and criteria for~~
4 ~~licensure and certification, and professional conduct and~~
5 ~~discipline.~~

6 ~~The Department shall consult with the Board in promulgating~~
7 ~~rules.~~

8 Subject to the provisions of this Act, the Department may:

9 (1) Conduct hearings on proceedings to refuse to issue
10 or renew or to revoke licenses or suspend, place on
11 probation, or reprimand persons licensed under this Act.

12 (2) Formulate rules required for the administration of
13 this Act.

14 (3) Obtain written recommendations from the Board
15 regarding standards of professional conduct, formal
16 disciplinary actions and the formulation of rules
17 affecting these matters. Notice of proposed rulemaking
18 shall be transmitted to the Board and the Department shall
19 review the Board's responses and any recommendations made
20 therein. ~~The Department shall notify the Board in writing~~
21 ~~with explanations of deviations from the Board's~~
22 ~~recommendations and responses.~~ The Department may ~~shall~~
23 solicit the advice of the Board on any matter relating to
24 the administration and enforcement of this Act.

25 (4) Maintain rosters of the names and addresses of all
26 licensees and all persons whose licenses have been

1 suspended, revoked, or denied renewal for cause within the
2 previous calendar year. These rosters shall be available
3 upon written request and payment of the required fee as
4 established by rule.

5 (Source: P.A. 86-615.)

6 (225 ILCS 425/14a) (from Ch. 111, par. 2039a)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 14a. Unlicensed practice; Injunctions. The practice
9 as a collection agency by any person ~~entity~~ not holding a valid
10 and current license under this Act is declared to be inimical
11 to the public welfare, to constitute a public nuisance, and to
12 cause irreparable harm to the public welfare. The Secretary
13 ~~Director~~, the Attorney General, the State's Attorney of any
14 county in the State, or any person may maintain an action in
15 the name of the People of the State of Illinois, and may apply
16 for injunctive relief in any circuit court to enjoin such
17 entity from engaging in such practice. Upon the filing of a
18 verified petition in such court, the court, if satisfied by
19 affidavit or otherwise that such entity has been engaged in
20 such practice without a valid and current license, may enter a
21 temporary restraining order without notice or bond, enjoining
22 the defendant from such further practice. Only the showing of
23 non-licensure ~~nonlicensure~~, by affidavit or otherwise, is
24 necessary in order for a temporary injunction to issue. A copy
25 of the verified complaint shall be served upon the defendant

1 and the proceedings shall thereafter be conducted as in other
2 civil cases except as modified by this Section. If it is
3 established that the defendant has been or is engaged in such
4 unlawful practice, the court may enter an order or judgment
5 perpetually enjoining the defendant from further practice. In
6 all proceedings hereunder, the court, in its discretion, may
7 apportion the costs among the parties interested in the action,
8 including cost of filing the complaint, service of process,
9 witness fees and expenses, court reporter charges and
10 reasonable attorneys' fees. In case of violation of any
11 injunctive order entered under the provisions of this Section,
12 the court may summarily try and punish the offender for
13 contempt of court. Such injunction proceedings shall be in
14 addition to, and not in lieu of, all penalties and other
15 remedies provided in this Act.

16 (Source: P.A. 86-615.)

17 (225 ILCS 425/14b) (from Ch. 111, par. 2039b)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 14b. Penalty of unlawful practice; Second and
20 subsequent offenses. Any entity that practices or offers to
21 practice as a collection agency in this State without being
22 licensed for that purpose, or whose license is ~~has been~~
23 suspended, ~~or~~ revoked, or expired, or that violates any of the
24 provisions of this Act for which no specific penalty has been
25 provided herein, is guilty of a Class A misdemeanor.

1 Any entity that has been previously convicted under any of
2 the provisions of this Act and that subsequently violates any
3 of the provisions of this Act is guilty of a Class 4 felony. In
4 addition, whenever any entity is punished as a subsequent
5 offender under this Section, the Secretary ~~Director~~ shall
6 proceed to obtain a permanent injunction against such entity
7 under Section 14a of this Act.

8 (Source: P.A. 86-615.)

9 (225 ILCS 425/16)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 16. Investigation; notice and hearing. The Department
12 may investigate the actions or qualifications of any applicant
13 or of any person rendering or offering to render collection
14 agency services or any person or persons holding or claiming to
15 hold a license as a collection agency certificate ~~of~~
16 ~~registration~~. The Department shall, before refusing to issue or
17 renew, suspending or revoking, suspending, placing on
18 probation, reprimanding, or taking any other disciplinary
19 action under Section 9 of this Act ~~any certificate of~~
20 ~~registration~~, at least 30 days before the date set for the
21 hearing, (i) notify the accused in writing of the charges made
22 and the time and place for the hearing on the charges, (ii) of
23 ~~the charges before the Board~~, direct him or her to file his or
24 her written answer ~~thereto~~ to the charges with the Department
25 under oath ~~Board~~ within 20 days after the service on him or her

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

1 ~~shall be notified and may attend.~~ Nothing in this Section shall
2 be construed to require that a hearing be commenced and
3 completed in one day. At the discretion of the Secretary
4 ~~Director~~, after having first received the recommendation of the
5 Board, the accused person's license ~~certificate~~ ~~of~~
6 ~~registration~~ may be suspended or revoked, if the evidence
7 constitutes sufficient grounds for such action under this Act.
8 If the person fails to file an answer after receiving notice,
9 his or her license may, in the discretion of the Department, be
10 suspended, revoked, or placed on probation, or the Department
11 may take whatever disciplinary action it considers proper,
12 including limiting the scope, nature, or extent of the person's
13 practice or the imposition of a fine, without a hearing, if the
14 act or acts charged constitute sufficient grounds for such
15 action under this Act. This written notice may be served by
16 personal delivery or certified mail to the respondent at the
17 address of record.

18 (Source: P.A. 89-387, eff. 1-1-96.)

19 (225 ILCS 425/17)

20 (Section scheduled to be repealed on January 1, 2016)

21 Sec. 17. Record of hearing; transcript. The Department, at
22 its expense, shall preserve a record of all proceedings at the
23 formal hearing of any case. The notice of hearing, complaint,
24 all ~~and~~ other documents in the nature of pleadings, ~~and~~ written
25 motions filed in the proceedings, the transcript of testimony,

1 the report of the Board, and orders of the Department shall be
2 in the record of the proceedings. If the respondent orders from
3 the reporting service and pays for a transcript of the record
4 within the time for filing a motion for rehearing under Section
5 20, the 20 calendar day period within which a motion may be
6 filed shall commence upon the delivery of the transcript to the
7 respondent ~~The Department shall furnish a transcript of the~~
8 ~~record to any person interested in the hearing upon payment of~~
9 ~~the fee required under Section 2105-115 of the Department of~~
10 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~

11 (Source: P.A. 91-239, eff. 1-1-00.)

12 (225 ILCS 425/18)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 18. Subpoenas; oaths; attendance of witnesses.

15 (a) The Department has ~~shall have~~ the power to subpoena
16 documents, books, records, or other materials and to bring
17 before it any person and to take testimony either orally or by
18 deposition, or both, with the same fees and mileage and in the
19 same manner as prescribed in civil cases in the courts of this
20 State.

21 (b) The Secretary ~~Director~~, the designated hearing
22 officer, and every member of the Board has ~~shall have~~ power to
23 administer oaths to witnesses at any hearing that the
24 Department is authorized to conduct and any other oaths
25 authorized in any Act administered by the Department.

1 (c) Any circuit court may, upon application of the
2 Department or designee or of the applicant or licensee,
3 ~~registrant, or person holding a certificate of registration~~
4 against whom proceedings under this Act are pending, enter an
5 order requiring the attendance of witnesses and their
6 testimony, and the production of documents, papers, files,
7 books, and records in connection with any hearing or
8 investigations. The court may compel obedience to its order by
9 proceedings for contempt.

10 (Source: P.A. 89-387, eff. 1-1-96.)

11 (225 ILCS 425/19)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 19. Findings and recommendations ~~Board report~~. At the
14 conclusion of the hearing, the Board shall present to the
15 Secretary ~~Director~~ a written report of its findings of fact,
16 conclusions of law, and recommendations. The report shall
17 contain a finding whether or not the accused person violated
18 this Act or the rules adopted under this Act or failed to
19 comply with the conditions required in this Act or those rules.
20 The Board shall specify the nature of the violation or failure
21 to comply and shall make its recommendations to the Secretary
22 ~~Director~~.

23 The report of findings of fact, conclusions of law, and
24 recommendation of the Board shall be the basis for the
25 Department's order for refusing to issue, restore, or renew a

1 license, or otherwise disciplining a licensee, refusal or for
2 the granting of a license ~~certificate of registration~~. If the
3 Secretary Director disagrees ~~in any regard~~ with the report,
4 findings of fact, conclusions of law, and recommendations
5 ~~report~~ of the Board, the Secretary Director may issue an order
6 in contravention of the Board's recommendations ~~report~~. ~~The~~
7 ~~Director shall provide a written report to the Board on any~~
8 ~~deviation and shall specify with particularity the reasons for~~
9 ~~that action in the final order~~. The finding is not admissible
10 in evidence against the person in a criminal prosecution
11 brought for the violation of this Act, but the hearing and
12 finding are ~~is~~ not a bar to a criminal prosecution brought for
13 the violation of this Act.

14 (Source: P.A. 89-387, eff. 1-1-96.)

15 (225 ILCS 425/20)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 20. Board; rehearing ~~Motion for rehearing~~. At the
18 conclusion of the hearing ~~In any hearing involving the~~
19 ~~discipline of a registrant~~, a copy of the Board's report shall
20 be served upon the applicant or licensee ~~respondent~~ by the
21 Department, either personally or as provided in this Act for
22 the service of the notice of hearing. Within 20 calendar days
23 after the service, the applicant or licensee ~~respondent~~ may
24 present to the Department a motion in writing for a rehearing
25 which shall specify the particular grounds for rehearing. The

1 Department may respond to the motion for rehearing within 20
2 days after its service on the Department, and the applicant or
3 licensee may reply within 7 days thereafter. If no motion for
4 rehearing is filed, then upon the expiration of the time
5 specified for filing a motion, or if a motion for rehearing is
6 denied, then upon denial, the Secretary ~~Director~~ may enter an
7 order in accordance with the recommendations of the Board,
8 except as provided for in Section 19. If the applicant or
9 licensee ~~respondent~~ orders a transcript of the record from the
10 reporting service and pays for it within the time for filing a
11 motion for rehearing, the 20 ~~calendar~~ day period within which a
12 motion for rehearing may be filed shall commence upon the
13 delivery of the transcript to the applicant or licensee
14 ~~respondent~~.

15 (Source: P.A. 89-387, eff. 1-1-96.)

16 (225 ILCS 425/21)

17 (Section scheduled to be repealed on January 1, 2016)

18 Sec. 21. Secretary; rehearing ~~Rehearing~~. Whenever the
19 Secretary ~~Director~~ is not satisfied that substantial justice
20 has been done in the revocation, suspension, or refusal to
21 issue, restore, or renew a license, or other discipline of an
22 applicant or licensee ~~a certificate of registration~~, the
23 Secretary ~~Director~~ may order a rehearing by the same or other
24 examiners.

25 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 425/22)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 22. Appointment of a hearing ~~Hearing~~ officer. The
4 Secretary has ~~Director shall have~~ the authority to appoint any
5 attorney duly licensed to practice law in the State of Illinois
6 to serve as the hearing officer in any action for refusal to
7 issue, restore, or renew a license ~~certificate of registration~~
8 or to discipline a licensee ~~registrant or person holding a~~
9 ~~certificate of registration~~. The hearing officer shall have
10 full authority to conduct the hearing. A Board member or
11 members may, but are not required to, attend hearings. The
12 hearing officer shall report his or her findings of fact,
13 conclusions of law, and recommendations to the Board ~~and the~~
14 ~~Director~~. The Board shall ~~have 60 calendar days from receipt of~~
15 ~~the report to~~ review the report of the hearing officer and
16 present its findings of fact, conclusions of law, and
17 recommendations to the Secretary and to all parties to the
18 proceeding ~~Director~~. ~~If the Board fails to present its report~~
19 ~~within the 60 calendar day period, the Director may issue an~~
20 ~~order based on the report of the hearing officer.~~ If the
21 Secretary ~~Director~~ disagrees with the recommendation of the
22 Board or of the hearing officer, the Secretary ~~Director~~ may
23 issue an order in contravention of the recommendation.

24 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 425/23)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 23. Order or ~~+~~ certified copy; prima facie proof. An
4 order or a certified copy thereof ~~of an order~~, over the seal of
5 the Department and purporting to be signed by the Secretary
6 ~~Director~~, shall be prima facie proof that ~~of the following~~:

7 (1) ~~That~~ the signature is the genuine signature of the
8 Secretary; Director.

9 (2) ~~That~~ the Secretary Director is duly appointed and
10 qualified; and ~~-~~

11 (3) ~~That~~ the Board and its ~~the Board~~ members are qualified
12 to act.

13 (Source: P.A. 89-387, eff. 1-1-96.)

14 (225 ILCS 425/24)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 24. Restoration of license from discipline
17 ~~certificate of registration~~. At any time after the successful
18 completion of a term of indefinite probation, suspension, or
19 revocation of any license ~~certificate of registration~~, the
20 Department may restore the license ~~certificate of registration~~
21 to the licensee, ~~accused person~~ upon the written recommendation
22 of the Board, unless after an investigation and a hearing the
23 Secretary ~~Board~~ determines that restoration is not in the
24 public interest. No person whose license or authority has been
25 revoked as authorized in this Act may apply for restoration of

1 that license or authority until such time as provided for in
2 the Department of Professional Regulation Law of the Civil
3 Administrative Code of Illinois.

4 (Source: P.A. 89-387, eff. 1-1-96.)

5 (225 ILCS 425/25)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 25. Surrender of license ~~certificate of registration~~.
8 Upon the revocation or suspension of any license, ~~certificate~~
9 ~~of registration~~ the licensee ~~registrant~~ shall immediately
10 surrender the license ~~certificate of registration~~ to the
11 Department. If the licensee ~~registrant~~ fails to do so, the
12 Department shall have the right to seize the license
13 ~~certificate of registration~~.

14 (Source: P.A. 89-387, eff. 1-1-96.)"; and

15 (225 ILCS 425/26)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 26. Administrative review; venue ~~Review Law~~.

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

22 (b) Proceedings for judicial review shall be commenced in
23 the circuit court of the county in which the party applying for
24 review resides, but if the party is not a resident of Illinois

1 ~~this State~~, the venue shall be in Sangamon County.

2 (Source: P.A. 89-387, eff. 1-1-96.)

3 (225 ILCS 425/27)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 27. Certifications ~~Certification~~ of record; costs
6 ~~receipt~~. The Department shall not be required to certify any
7 record to the court or file any answer in court or otherwise
8 appear in any court in a judicial review proceeding, unless and
9 until ~~there is filed in the court, with the complaint, a~~
10 ~~receipt from~~ the Department has received from the plaintiff
11 ~~acknowledging~~ payment of the costs of furnishing and certifying
12 the record, which costs shall be determined by the Department.
13 Failure on the part of the plaintiff to file a receipt in court
14 shall be grounds for dismissal of the action.

15 (Source: P.A. 89-387, eff. 1-1-96.)

16 (225 ILCS 425/30 new)

17 Sec. 30. Expiration, renewal, and restoration of license.
18 The expiration date and renewal period for each license shall
19 be set by rule. A collection agency whose license has expired
20 may reinstate its license at any time within 5 years after the
21 expiration thereof, by making a renewal application and by
22 paying the required fee.

23 However, any licensed collection agency whose license has
24 expired while the individual licensed or while a shareholder,

1 partner, or member owning 50% or more of the interest in the
2 collection agency whose license has expired while he or she was
3 (i) on active duty with the Armed Forces of the United States
4 or called into service or training by the State militia; or
5 (ii) in training or education under the supervision of the
6 United States preliminary to induction into the military
7 service, may have his or her license renewed, restored, or
8 reinstated without paying any lapsed renewal fee, restoration
9 fee, or reinstatement fee if, within 2 years after termination
10 of the service, training, or education, he or she furnishes the
11 Department with satisfactory evidence of service, training, or
12 education and it has been terminated under honorable
13 conditions.

14 Any collection agency whose license has expired for more
15 than 5 years may have it restored by applying to the
16 Department, paying the required fee, and filing acceptable
17 proof of fitness to have the license restored as set by rule.

18 (225 ILCS 425/35 new)

19 Sec. 35. Returned checks; fines. Any person who delivers a
20 check or other payment to the Department that is returned to
21 the Department unpaid by the financial institution upon which
22 it is drawn shall pay to the Department, in addition to the
23 amount already owed to the Department, a fine of \$50. The fines
24 imposed by this Section are in addition to any other discipline
25 provided under this Act for unlicensed practice or practice on

1 a non-renewed license. The Department shall notify the entity
2 that payment of fees and fines shall be paid to the Department
3 by certified check or money order within 30 calendar days of
4 the notification. If, after the expiration of 30 days from the
5 date of notification, the person has failed to submit the
6 necessary remittance, the Department shall automatically
7 terminate the license or deny the application, without hearing.
8 If, after the termination or denial, the entity seeks a
9 license, it shall apply to the Department for restoration or
10 issuance of the license and pay all fees and fines due to the
11 Department. The Department may establish a fee for the
12 processing of an application for restoration of a license to
13 pay all expenses of processing this application. The Secretary
14 may waive the fines due under this Section in individual cases
15 where the Secretary finds that the fines would be unreasonable
16 or unnecessarily burdensome.

17 (225 ILCS 425/40 new)

18 Sec. 40. Unlicensed practice; cease and desist. Whenever,
19 in the opinion of the Department, a person violates any
20 provision of this Act, the Department may issue a rule to show
21 cause why an order to cease and desist should not be entered
22 against that person. The rule shall clearly set forth the
23 grounds relied upon by the Department and shall allow at least
24 7 days from the date of the rule to file an answer satisfactory
25 to the Department. Failure to answer to the satisfaction of the

1 Department shall cause an order to cease and desist to be
2 issued.

3 (225 ILCS 425/45 new)

4 Sec. 45. Summary suspension of license. The Secretary may
5 summarily suspend the license of a licensed collection agency
6 without a hearing, simultaneously with the institution of
7 proceedings for a hearing provided for in Section 16 of this
8 Act, if the Secretary finds that evidence in the Secretary's
9 possession indicates that the continuation of practice by a
10 licensed collection agency would constitute an imminent danger
11 to the public. In the event that the Secretary summarily
12 suspends the license of a licensed collection agency without a
13 hearing, a hearing must be commenced within 30 days after the
14 suspension has occurred and concluded as expeditiously as
15 practical.

16 (225 ILCS 425/50 new)

17 Sec. 50. Consent order. At any point in the proceedings as
18 provided in Sections 9.5, 11, 14a, 16, and 45, both parties may
19 agree to a negotiated consent order. The consent order shall be
20 final upon signature of the Secretary.

21 (225 ILCS 425/55 new)

22 Sec. 55. Confidentiality. All information collected by the
23 Department in the course of an examination or investigation of

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

17 (225 ILCS 425/6 rep.)

18 (225 ILCS 425/6a rep.)

19 (225 ILCS 425/10 rep.)

20 (225 ILCS 425/13 rep.)

21 (225 ILCS 425/13.3 rep.)

22 (225 ILCS 425/14 rep.)

23 Section 950. The Collection Agency Act is amended by
24 repealing Sections 6, 6a, 10, 13, 13.3, and 14.

1 Section 955. The Real Estate License Act of 2000 is amended
2 by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20, 5-26, 5-27,
3 5-28, 5-32, 5-35, 5-41, 5-50, 5-60, 5-70, 10-10, 10-15, 15-5,
4 20-10, 20-20, 20-21, 20-22, 20-85, 25-10, 25-25, 30-15, and
5 35-5 as follows:

6 (225 ILCS 454/1-10)

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

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

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

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

18 "Advisory Council" means the Real Estate Education
19 Advisory Council created under Section 30-10 of this Act.

20 "Agency" means a relationship in which a ~~real estate~~ broker
21 or licensee, whether directly or through an affiliated
22 licensee, represents a consumer by the consumer's consent,
23 whether express or implied, in a real property transaction.

24 "Applicant" means any person, as defined in this Section,
25 who applies to the Department for a valid license as a managing

1 ~~real estate broker, broker real estate salesperson,~~ or leasing
2 agent.

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

11 "Board" means the Real Estate Administration and
12 Disciplinary Board of the Department as created by Section
13 25-10 of this Act.

14 "Branch office" means a sponsoring broker's office other
15 than the sponsoring broker's principal office.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 "Client" means a person who is being represented by a
20 licensee.

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

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

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

13 (1) commissions;

14 (2) referral fees;

15 (3) bonuses;

16 (4) prizes;

17 (5) merchandise;

18 (6) finder fees;

19 (7) performance of services;

20 (8) coupons or gift certificates;

21 (9) discounts;

22 (10) rebates;

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

26 (12) retainer fee; or

1 (13) salary.

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

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

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

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

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

17 "Consumer" means a person or entity seeking or receiving
18 licensed activities.

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

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

24 "Credit hour" means 50 minutes of classroom instruction in
25 course work that meets the requirements set forth in rules
26 adopted by the Department.

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

4 "Department" means the Department of Financial and
5 Professional Regulation.

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

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

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

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

1 All responsibilities of a broker shall remain.

2 "Escrow moneys" means all moneys, promissory notes or any
3 other type or manner of legal tender or financial consideration
4 deposited with any person for the benefit of the parties to the
5 transaction. A transaction exists once an agreement has been
6 reached and an accepted real estate contract signed or lease
7 agreed to by the parties. Escrow moneys includes without
8 limitation earnest moneys and security deposits, except those
9 security deposits in which the person holding the security
10 deposit is also the sole owner of the property being leased and
11 for which the security deposit is 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 sole
19 right, through one or more sponsored licensees, to act as the
20 exclusive designated agent or representative of the client and
21 that meets the requirements of Section 15-75 of this Act.

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

1 whom he or she is employed is currently expired, revoked,
2 suspended, or otherwise rendered invalid under this Act.

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

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

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

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

16 "Licensed activities" means those activities listed in the
17 definition of "broker" under this Section.

18 "Licensee" means any person, as defined in this Section,
19 who holds a valid unexpired license as a managing ~~real estate~~
20 broker, broker ~~real estate salesperson~~, or leasing agent.

21 "Listing presentation" means a communication between a
22 managing ~~real estate~~ broker or broker ~~salesperson~~ and a
23 consumer in which the licensee is attempting to secure a
24 brokerage agreement with the consumer to market the consumer's
25 real estate for sale or lease.

26 "Managing broker" means a broker who has supervisory

1 responsibilities for licensees in one or, in the case of a
2 multi-office company, more than one office and who has been
3 appointed as such by the sponsoring broker.

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

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

1 "Office" means a ~~real-estate~~ broker's place of business
2 where the general public is invited to transact business and
3 where records may be maintained and licenses displayed, whether
4 or not it is the broker's principal place of business.

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

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

14 "Pocket card" means the card issued by the Department to
15 signify that the person named on the card is currently licensed
16 under this Act.

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

21 "Pre-renewal period" means the period between the date of
22 issue of a currently valid license and the license's expiration
23 date.

24 "Proctor" means any person, including, but not limited to,
25 an instructor, who has a written agreement to administer
26 examinations fairly and impartially with a licensed

1 pre-license school or a licensed continuing education school.

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

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

13 ~~"Salesperson" means any individual, other than a real~~
14 ~~estate broker or leasing agent, who is employed by a real~~
15 ~~estate broker or is associated by written agreement with a real~~
16 ~~estate broker as an independent contractor and participates in~~
17 ~~any activity described in the definition of "broker" under this~~
18 ~~Section.~~

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

22 "Sponsoring broker" means the broker who has issued a
23 sponsor card to a licensed managing broker ~~salesperson, another~~
24 ~~licensed~~ broker, or a leasing agent.

25 "Sponsor card" means the temporary permit issued by the
26 sponsoring ~~real estate~~ broker certifying that the managing ~~real~~

1 ~~estate~~ broker, broker ~~real estate salesperson~~, or leasing agent
2 named thereon is employed by or associated by written agreement
3 with the sponsoring ~~real estate~~ broker, as provided for in
4 Section 5-40 of this Act.

5 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15.)

6 (225 ILCS 454/5-5)

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

8 Sec. 5-5. Leasing agent license.

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

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

1 to perform leasing activities for which a license is required
2 under this Act. Licensed leasing agents must be sponsored and
3 employed by a sponsoring broker.

4 (c) The Department, by rule shall provide for the licensing
5 of leasing agents, including the issuance, renewal, and
6 administration of licenses.

7 (d) Notwithstanding any other provisions of this Act to the
8 contrary, a person may engage in residential leasing activities
9 for which a license is required under this Act, for a period of
10 120 consecutive days without being licensed, so long as the
11 person is acting under the supervision of a sponsoring ~~licensed~~
12 ~~real estate~~ broker and the sponsoring broker has notified the
13 Department that the person is pursuing licensure under this
14 Section. During the 120 day period all requirements of Sections
15 5-10 and 5-65 of this Act with respect to education, successful
16 completion of an examination, and the payment of all required
17 fees must be satisfied. The Department may adopt rules to
18 ensure that the provisions of this subsection are not used in a
19 manner that enables an unlicensed person to repeatedly or
20 continually engage in activities for which a license is
21 required under this Act.

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

23 (225 ILCS 454/5-10)

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

25 Sec. 5-10. Requirements for license as leasing agent.

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

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

4 (2) be of good moral character;

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

8 (4) personally take and pass a written examination
9 authorized by the Department sufficient to demonstrate the
10 applicant's knowledge of the provisions of this Act
11 relating to leasing agents and the applicant's competence
12 to engage in the activities of a licensed leasing agent;

13 (5) provide satisfactory evidence of having completed
14 15 hours of instruction in an approved course of study
15 relating to the leasing of residential real property. The
16 course of study shall, among other topics, cover the
17 provisions of this Act applicable to leasing agents; fair
18 housing issues relating to residential leasing;
19 advertising and marketing issues; leases, applications,
20 and credit reports; owner-tenant relationships and
21 owner-tenant laws; the handling of funds; and
22 environmental issues relating to residential real
23 property;

24 (6) complete any other requirements as set forth by
25 rule; and

26 (7) present a valid application for issuance of an

1 initial license accompanied by a sponsor card and the fees
2 specified by rule.

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

8 (c) Successfully completed course work, completed pursuant
9 to the requirements of this Section, may be applied to the
10 course work requirements to obtain a managing ~~real estate~~
11 ~~broker's~~ or broker's ~~salesperson's~~ license as provided by rule.
12 The Advisory Council may recommend through the Board to the
13 Department and the Department may adopt requirements for
14 approved courses, course content, and the approval of courses,
15 instructors, and schools, as well as school and instructor
16 fees. The Department may establish continuing education
17 requirements for licensed leasing agents, by rule, with the
18 advice of the Advisory Council and Board.

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

20 (225 ILCS 454/5-15)

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

22 Sec. 5-15. Necessity of managing broker, broker,
23 ~~salesperson,~~ or leasing agent license or sponsor card;
24 ownership restrictions.

25 (a) It is unlawful for any person, corporation, limited

1 liability company, registered limited liability partnership,
2 or partnership to act as a managing broker, ~~real estate broker,~~
3 ~~real estate salesperson,~~ or leasing agent or to advertise or
4 assume to act as such managing broker, ~~broker,~~ ~~salesperson,~~ or
5 leasing agent without a properly issued sponsor card or a
6 license issued under this Act by the Department, either
7 directly or through its authorized designee.

8 (b) No corporation shall be granted a license or engage in
9 the business or capacity, either directly or indirectly, of a
10 ~~real estate broker,~~ unless every officer of the corporation who
11 actively participates in the real estate activities of the
12 corporation holds a license as a managing broker or broker and
13 unless every employee who acts as a managing broker, broker,
14 ~~salesperson,~~ or leasing agent for the corporation holds a
15 license as a managing broker, broker, ~~salesperson,~~ or leasing
16 agent.

17 (c) No partnership shall be granted a license or engage in
18 the business or serve in the capacity, either directly or
19 indirectly, of a ~~real estate broker,~~ unless every general
20 partner in the partnership holds a license as a managing broker
21 or broker and unless every employee who acts as a managing
22 broker, broker, ~~salesperson~~ or leasing agent for the
23 partnership holds a license as a managing broker, ~~broker,~~
24 ~~salesperson,~~ or leasing agent. In the case of a registered
25 limited liability partnership (LLP), every partner in the LLP
26 must hold a license as a managing broker or broker and every

1 employee who acts as a managing broker, broker, ~~salesperson~~ or
2 leasing agent must hold a license as a managing broker, broker,
3 ~~salesperson,~~ or leasing agent.

4 (d) No limited liability company shall be granted a license
5 or engage in the business or serve in the capacity, either
6 directly or indirectly, of a broker unless every manager in the
7 limited liability company or every member in a member managed
8 limited liability company holds a license as a managing broker
9 or broker and unless every other member and employee who acts
10 as a managing broker, broker, ~~salesperson~~ or leasing agent for
11 the limited liability company holds a license as a managing
12 broker, broker, ~~salesperson,~~ or leasing agent.

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

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

21 (225 ILCS 454/5-20)

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

23 Sec. 5-20. Exemptions from managing broker, broker,
24 ~~salesperson,~~ or leasing agent license requirement. The
25 requirement for holding a license under this Article 5 shall

1 not apply to:

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

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

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

24 (4) Any person acting as a resident manager for the
25 owner or any employee acting as the resident manager for a
26 broker managing an apartment building, duplex, or

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

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

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

10 (7) Any multiple listing service or other similar
11 information exchange that is engaged in the collection and
12 dissemination of information concerning real estate
13 available for sale, purchase, lease, or exchange for the
14 purpose of providing licensees with a system by which
15 licensees may cooperatively share information along with
16 which no other licensed activities, as defined in Section
17 1-10 of this Act, are provided.

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

25 (9) Any medium of advertising in the routine course of
26 selling or publishing advertising along with which no other

1 licensed activities, as defined in Section 1-10 of this
2 Act, are provided.

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

18 (11) An exchange company registered under the Real
19 Estate Timeshare Act of 1999 and the regular employees of
20 that registered exchange company but only when conducting
21 an exchange program as defined in that Act.

22 (12) An existing timeshare owner who, for
23 compensation, refers prospective purchasers, but only if
24 the existing timeshare owner (i) refers no more than 20
25 prospective purchasers in any calendar year, (ii) receives
26 no more than \$1,000, or its equivalent, for referrals in

1 any calendar year and (iii) limits his or her activities to
2 referring prospective purchasers of timeshare interests to
3 the developer or the developer's employees or agents, and
4 does not show, discuss terms or conditions of purchase or
5 otherwise participate in negotiations with regard to
6 timeshare interests.

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

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

15 (B) that person verifies to the Department that he
16 or she has sold real estate at auction for a period of
17 5 years prior to licensure as an auctioneer;

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

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

25 (14) A person who holds a valid license under the
26 Auction License Act and a valid real estate auction

1 certification and conducts auctions for the sale of real
2 estate under Section 5-32 of this Act.

3 (15) A hotel operator who is registered with the
4 Illinois Department of Revenue and pays taxes under the
5 Hotel Operators' Occupation Tax Act and rents a room or
6 rooms in a hotel as defined in the Hotel Operators'
7 Occupation Tax Act for a period of not more than 30
8 consecutive days and not more than 60 days in a calendar
9 year.

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

11 (225 ILCS 454/5-26)

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

13 Sec. 5-26. License Requirements ~~for license~~ as a
14 salesperson.

15 ~~(a) Every applicant for licensure as a salesperson must~~
16 ~~meet the following qualifications:~~

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

25 ~~(2) Be of good moral character;~~

1 ~~(3) Successfully complete a 4-year course of study in a~~
2 ~~high school or secondary school approved by the Illinois~~
3 ~~State Board of Education or an equivalent course of study~~
4 ~~as determined by an examination conducted by the Illinois~~
5 ~~State Board of Education, which shall be verified under~~
6 ~~oath by the applicant;~~

7 ~~(4) Provide satisfactory evidence of having completed~~
8 ~~at least 45 hours of instruction in real estate courses~~
9 ~~approved by the Advisory Council, except applicants who are~~
10 ~~currently admitted to practice law by the Supreme Court of~~
11 ~~Illinois and are currently in active standing;~~

12 ~~(5) Personally take and pass a written examination~~
13 ~~authorized by the Department; and~~

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

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

22 ~~(c) All licenses should be readily available to the public~~
23 ~~at their sponsoring place of business.~~

24 ~~(d) No new salesperson licenses shall be issued after April~~
25 ~~30, 2011 and all existing salesperson licenses shall terminate~~
26 ~~on May 1, 2012.~~

1 (Source: P.A. 96-856, eff. 12-31-09; 97-333, eff. 8-12-11.)

2 (225 ILCS 454/5-27)

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

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

5 (a) Every applicant for licensure as a broker must meet the
6 following qualifications:

7 (1) Be at least 21 years of age. After April 30, 2011,
8 the minimum age of 21 years shall be waived for any person
9 seeking a license as a broker who has attained the age of
10 18 and can provide evidence of the successful completion of
11 at least 4 semesters of post-secondary school study as a
12 full-time student or the equivalent, with major emphasis on
13 real estate courses, in a school approved by the
14 Department;

15 (2) Be of good moral character;

16 (3) Successfully complete a 4-year course of study in a
17 high school or secondary school approved by the Illinois
18 State Board of Education or an equivalent course of study
19 as determined by an examination conducted by the Illinois
20 State Board of Education which shall be verified under oath
21 by the applicant;

22 (4) (Blank); ~~Prior to May 1, 2011, provide (i)~~
23 ~~satisfactory evidence of having completed at least 120~~
24 ~~classroom hours, 45 of which shall be those hours required~~
25 ~~to obtain a salesperson's license plus 15 hours in~~

1 ~~brokerage administration courses, in real estate courses~~
2 ~~approved by the Advisory Council or (ii) for applicants who~~
3 ~~currently hold a valid real estate salesperson's license,~~
4 ~~give satisfactory evidence of having completed at least 75~~
5 ~~hours in real estate courses, not including the courses~~
6 ~~that are required to obtain a salesperson's license,~~
7 ~~approved by the Advisory Council;~~

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

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

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

19 (b) The requirements specified in items (3) ~~(4)~~ and (5) of
20 subsection (a) of this Section do not apply to applicants who
21 are currently admitted to practice law by the Supreme Court of
22 Illinois and are currently in active standing.

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

1 extended for good cause as provided by rule.

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

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

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

13 (225 ILCS 454/5-28)

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

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

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

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

19 (2) be of good moral character;

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

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

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

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

12 (6) personally take and pass a written examination
13 authorized by the Department; and

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

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

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

25 (Source: P.A. 98-531, eff. 8-23-13.)

1 (225 ILCS 454/5-32)

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

3 Sec. 5-32. Real estate auction certification.

4 (a) An auctioneer licensed under the Auction License Act
5 who does not possess a valid and active broker's or managing
6 broker's license under this Act, or who is not otherwise exempt
7 from licensure, may not engage in the practice of auctioning
8 real estate, except as provided in this Section.

9 (b) The Department shall issue a real estate auction
10 certification to applicants who:

11 (1) possess a valid auctioneer's license under the
12 Auction License Act;

13 (2) successfully complete a real estate auction course
14 of at least 30 hours approved by the Department, which
15 shall cover the scope of activities that may be engaged in
16 by a person holding a real estate auction certification and
17 the activities for which a person must hold a real estate
18 license, as well as other material as provided by the
19 Department;

20 (3) provide documentation of the completion of the real
21 estate auction course; and

22 (4) successfully complete any other reasonable
23 requirements as provided by rule.

24 (c) The auctioneer's role shall be limited to establishing
25 the time, place, and method of the real estate auction, placing
26 advertisements regarding the auction, and crying or calling the

1 auction; any other real estate brokerage activities must be
2 performed by a person holding a valid and active ~~real estate~~
3 broker's or managing broker's license under the provisions of
4 this Act or by a person who is exempt from holding a license
5 under paragraph (13) of Section 5-20 who has a certificate
6 under this Section.

7 (d) An auctioneer who conducts any real estate auction
8 activities in violation of this Section is guilty of unlicensed
9 practice under Section 20-10 of this Act.

10 (e) The Department may revoke, suspend, or otherwise
11 discipline the real estate auction certification of an
12 auctioneer who is adjudicated to be in violation of the
13 provisions of this Section or Section 20-15 of the Auction
14 License Act.

15 (f) Advertising for the real estate auction must contain
16 the name and address of the licensed ~~real estate~~ broker,
17 managing broker, or a licensed auctioneer under paragraph (13)
18 of Section 5-20 of this Act who is providing brokerage services
19 for the transaction.

20 (g) The requirement to hold a real estate auction
21 certification shall not apply to a person exempt from this Act
22 under the provisions of paragraph (13) of Section 5-20 of this
23 Act, unless that person is performing licensed activities in a
24 transaction in which a licensed auctioneer with a real estate
25 certification is providing the limited services provided for in
26 subsection (c) of this Section.

1 (h) Nothing in this Section shall require a person licensed
2 under this Act as a ~~real estate~~ broker or managing broker to
3 obtain a real estate auction certification in order to auction
4 real estate.

5 (i) The Department may adopt rules to implement this
6 Section.

7 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

8 (225 ILCS 454/5-35)

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

10 Sec. 5-35. Examination; managing broker, broker,
11 ~~salesperson~~, or leasing agent.

12 (a) The Department shall authorize examinations at such
13 times and places as it may designate. The examination shall be
14 of a character to give a fair test of the qualifications of the
15 applicant to practice as a managing broker, broker,
16 ~~salesperson~~, or leasing agent. Applicants for examination as a
17 managing broker, broker, ~~salesperson~~, or leasing agent shall be
18 required to pay, either to the Department or the designated
19 testing service, a fee covering the cost of providing the
20 examination. Failure to appear for the examination on the
21 scheduled date, at the time and place specified, after the
22 applicant's application for examination has been received and
23 acknowledged by the Department or the designated testing
24 service, shall result in the forfeiture of the examination fee.
25 An applicant shall be eligible to take the examination only

1 after successfully completing the education requirements and
2 attaining the minimum age provided for in Article 5 of this
3 Act. Each applicant shall be required to establish compliance
4 with the eligibility requirements in the manner provided by the
5 rules promulgated for the administration of this Act.

6 (b) If a person who has received a passing score on the
7 written examination described in this Section fails to file an
8 application and meet all requirements for a license under this
9 Act within one year after receiving a passing score on the
10 examination, credit for the examination shall terminate. The
11 person thereafter may make a new application for examination.

12 (c) If an applicant has failed an examination 4 times, the
13 applicant must repeat the pre-license education required to sit
14 for the examination. For the purposes of this Section, the
15 fifth attempt shall be the same as the first. Approved
16 education, as prescribed by this Act for licensure as a
17 managing broker, salesperson or broker, or leasing agent, shall
18 be valid for 4 years after the date of satisfactory completion
19 of the education.

20 (d) The Department may employ consultants for the purposes
21 of preparing and conducting examinations.

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

23 (225 ILCS 454/5-41)

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

25 Sec. 5-41. Change of address. A licensee shall notify the

1 Department of the address or addresses, and of every change of
2 address, where the licensee practices as a leasing agent,
3 ~~salesperson~~, broker or managing broker.

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

5 (225 ILCS 454/5-50)

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

7 Sec. 5-50. Expiration and renewal of managing broker,
8 broker, ~~salesperson~~, or leasing agent license; sponsoring
9 broker; register of licensees; pocket card.

10 (a) The expiration date and renewal period for each license
11 issued under this Act shall be set by rule, ~~except that the~~
12 ~~first renewal period ending after the effective date of this~~
13 ~~Act for those licensed as a salesperson shall be extended~~
14 ~~through April 30, 2012.~~ Except as otherwise provided in this
15 Section, the holder of a license may renew the license within
16 90 days preceding the expiration date thereof by completing the
17 continuing education required by this Act and paying the fees
18 specified by rule.

19 (b) An individual whose first license is that of a broker
20 received after April 30, 2011, must provide evidence of having
21 completed 30 hours of post-license education in courses
22 approved by the Advisory Council, 15 hours of which must
23 consist of situational and case studies presented in the
24 classroom or by other interactive delivery method between the
25 instructor and the students, and personally take and pass an

1 examination approved by the Department prior to the first
2 renewal of their broker's license.

3 (c) Any ~~salesperson until April 30, 2011 or any~~ managing
4 broker, broker, or leasing agent whose license under this Act
5 has expired shall be eligible to renew the license during the
6 2-year period following the expiration date, provided the
7 managing broker, broker, ~~salesperson,~~ or leasing agent pays the
8 fees as prescribed by rule and completes continuing education
9 and other requirements provided for by the Act or by rule.
10 Beginning on May 1, 2012, a managing broker licensee, broker,
11 or leasing agent whose license has been expired for more than 2
12 years but less than 5 years may have it restored by (i)
13 applying to the Department, (ii) paying the required fee, (iii)
14 completing the continuing education requirements for the most
15 recent pre-renewal period that ended prior to the date of the
16 application for reinstatement, and (iv) filing acceptable
17 proof of fitness to have his or her license restored, as set by
18 rule. A managing broker, broker, or leasing agent whose license
19 has been expired for more than 5 years shall be required to
20 meet the requirements for a new license.

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

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

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

1 display the same on demand.

2 (f) The Department shall provide to the sponsoring broker a
3 notice of renewal for all sponsored licensees by mailing the
4 notice to the sponsoring broker's address of record, or, at the
5 Department's discretion, by an electronic means as provided for
6 by rule.

7 (g) Upon request from the sponsoring broker, the Department
8 shall make available to the sponsoring broker, either by mail
9 or by an electronic means at the discretion of the Department,
10 a listing of licensees under this Act who, according to the
11 records of the Department, are sponsored by that broker. Every
12 licensee associated with or employed by a broker whose license
13 is revoked, suspended, terminated, or expired shall be
14 considered as inoperative until such time as the sponsoring
15 broker's license is reinstated or renewed, or the licensee
16 changes employment as set forth in subsection (c) of Section
17 5-40 of this Act.

18 (Source: P.A. 98-531, eff. 8-23-13.)

19 (225 ILCS 454/5-60)

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

21 Sec. 5-60. Managing broker licensed in another state;
22 broker licensed in another state; ~~salesperson licensed in~~
23 ~~another state;~~ reciprocal agreements; agent for service of
24 process.

25 (a) Effective May 1, 2011, a managing broker's license may

1 be issued by the Department to a managing broker or its
2 equivalent licensed under the laws of another state of the
3 United States, under the following conditions:

4 (1) the managing broker holds a managing broker's
5 license in a state that has entered into a reciprocal
6 agreement with the Department;

7 (2) the standards for that state for licensing as a
8 managing broker are substantially equal to or greater than
9 the minimum standards in the State of Illinois;

10 (3) the managing broker has been actively practicing as
11 a managing broker in the managing broker's state of
12 licensure for a period of not less than 2 years,
13 immediately prior to the date of application;

14 (4) the managing broker furnishes the Department with a
15 statement under seal of the proper licensing authority of
16 the state in which the managing broker is licensed showing
17 that the managing broker has an active managing broker's
18 license, that the managing broker is in good standing, and
19 that no complaints are pending against the managing broker
20 in that state;

21 (5) the managing broker passes a test on Illinois
22 specific real estate brokerage laws; and

23 (6) the managing broker was licensed by an examination
24 in the state that has entered into a reciprocal agreement
25 with the Department.

26 (b) A broker's license may be issued by the Department to a

1 broker or its equivalent licensed under the laws of another
2 state of the United States, under the following conditions:

3 (1) the broker holds a broker's license in a state that
4 has entered into a reciprocal agreement with the
5 Department;

6 (2) the standards for that state for licensing as a
7 broker are substantially equivalent to or greater than the
8 minimum standards in the State of Illinois;

9 (3) if the application is made prior to May 1, 2012,
10 then the broker has been actively practicing as a broker in
11 the broker's state of licensure for a period of not less
12 than 2 years, immediately prior to the date of application;

13 (4) the broker furnishes the Department with a
14 statement under seal of the proper licensing authority of
15 the state in which the broker is licensed showing that the
16 broker has an active broker's license, that the broker is
17 in good standing, and that no complaints are pending
18 against the broker in that state;

19 (5) the broker passes a test on Illinois specific real
20 estate brokerage laws; and

21 (6) the broker was licensed by an examination in a
22 state that has entered into a reciprocal agreement with the
23 Department.

24 (c) (Blank). ~~Prior to May 1, 2011, a salesperson may, in~~
25 ~~the discretion of the Department, be issued a salesperson's~~
26 ~~license provided all of the following conditions are met:~~

1 ~~(1) the salesperson maintains an active license in the~~
2 ~~state that has entered into a reciprocal agreement with the~~
3 ~~Department;~~

4 ~~(2) the salesperson passes a test on Illinois specific~~
5 ~~real estate brokerage laws; and~~

6 ~~(3) the salesperson was licensed by an examination in~~
7 ~~the state that has entered into a reciprocal agreement with~~
8 ~~the Department.~~

9 ~~The broker with whom the salesperson is associated shall~~
10 ~~comply with the provisions of this Act and issue the~~
11 ~~salesperson a sponsor card upon the form provided by the~~
12 ~~Department.~~

13 (d) As a condition precedent to the issuance of a license
14 to a managing broker, or broker, ~~or salesperson~~ pursuant to
15 this Section, the managing broker or broker ~~salesperson~~ shall
16 agree in writing to abide by all the provisions of this Act
17 with respect to his or her real estate activities within the
18 State of Illinois and submit to the jurisdiction of the
19 Department as provided in this Act. The agreement shall be
20 filed with the Department and shall remain in force for so long
21 as the managing broker, or broker ~~or salesperson~~ is licensed by
22 this State and thereafter with respect to acts or omissions
23 committed while licensed as a managing broker or broker
24 ~~salesperson~~ in this State.

25 (e) Prior to the issuance of any license to any managing
26 broker, or broker, ~~or salesperson~~ licensed pursuant to this

1 Section, verification of active licensure issued for the
2 conduct of such business in any other state must be filed with
3 the Department by the managing broker, or broker, ~~or~~
4 ~~salesperson~~, and the same fees must be paid as provided in this
5 Act for the obtaining of a managing broker's, or broker's ~~or~~
6 ~~salesperson's~~ license in this State.

7 (f) Licenses previously granted under reciprocal
8 agreements with other states shall remain in force so long as
9 the Department has a reciprocal agreement with the state that
10 includes the requirements of this Section, unless that license
11 is suspended, revoked, or terminated by the Department for any
12 reason provided for suspension, revocation, or termination of a
13 resident licensee's license. Licenses granted under reciprocal
14 agreements may be renewed in the same manner as a resident's
15 license.

16 (g) Prior to the issuance of a license to a nonresident
17 managing broker, or broker ~~or salesperson~~, the managing broker,
18 or broker ~~or salesperson~~ shall file with the Department a
19 designation in writing that appoints the Secretary to act as
20 his or her agent upon whom all judicial and other process or
21 legal notices directed to the managing broker, or broker ~~or~~
22 ~~salesperson~~ may be served. Service upon the agent so designated
23 shall be equivalent to personal service upon the licensee.
24 Copies of the appointment, certified by the Secretary, shall be
25 deemed sufficient evidence thereof and shall be admitted in
26 evidence with the same force and effect as the original thereof

1 might be admitted. In the written designation, the managing
2 broker, or broker ~~or salesperson~~ shall agree that any lawful
3 process against the licensee that is served upon the agent
4 shall be of the same legal force and validity as if served upon
5 the licensee and that the authority shall continue in force so
6 long as any liability remains outstanding in this State. Upon
7 the receipt of any process or notice, the Secretary shall
8 forthwith mail a copy of the same by certified mail to the last
9 known business address of the licensee.

10 (h) Any person holding a valid license under this Section
11 shall be eligible to obtain a ~~resident~~ managing broker's
12 license, or a broker's license, ~~or, prior to May 1, 2011, a~~
13 ~~salesperson's license~~ without examination should that person
14 change their state of domicile to Illinois and that person
15 otherwise meets the qualifications for licensure under this
16 Act.

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

18 (225 ILCS 454/5-70)

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

20 Sec. 5-70. Continuing education requirement; managing
21 broker, or broker, ~~or salesperson~~.

22 (a) The requirements of this Section apply to all managing
23 brokers, and brokers, ~~and salespersons~~.

24 (b) Except as otherwise provided in this Section, each
25 person who applies for renewal of his or her license as a

1 managing broker, or ~~real estate broker, or real estate~~
2 ~~salesperson~~ must successfully complete 6 hours of real estate
3 continuing education courses approved by the Advisory Council
4 for each year of the pre-renewal period. ~~Broker licensees must~~
5 ~~successfully complete a 6 hour broker management continuing~~
6 ~~education course approved by the Department for the pre renewal~~
7 ~~period ending April 30, 2010.~~ In addition, beginning with the
8 pre-renewal period for managing broker licensees that begins
9 after the effective date of this Act, those licensees renewing
10 or obtaining a managing broker's license must successfully
11 complete a 12-hour broker management continuing education
12 course approved by the Department each pre-renewal period. The
13 broker management continuing education course must be
14 completed in the classroom or by other interactive delivery
15 method between the instructor and the students. Successful
16 completion of the course shall include achieving a passing
17 score as provided by rule on a test developed and administered
18 in accordance with rules adopted by the Department. No license
19 may be renewed except upon the successful completion of the
20 required courses or their equivalent or upon a waiver of those
21 requirements for good cause shown as determined by the
22 Secretary with the recommendation of the Advisory Council. The
23 requirements of this Article are applicable to all managing
24 brokers, and ~~brokers, and salespersons~~ except those managing
25 brokers and brokers ~~salespersons~~ who, during the pre-renewal
26 period:

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

6 (c) (Blank). ~~A person licensed as a salesperson as of April~~
7 ~~30, 2011 shall not be required to complete the 18 hours of~~
8 ~~continuing education for the pre renewal period ending April~~
9 ~~30, 2012 if that person takes the 30 hour post licensing course~~
10 ~~to obtain a broker's license. A person licensed as a broker as~~
11 ~~of April 30, 2011 shall not be required to complete the 12~~
12 ~~hours of broker management continuing education for the~~
13 ~~pre renewal period ending April 30, 2012, unless that person~~
14 ~~passes the proficiency exam provided for in Section 5-47 of~~
15 ~~this Act to qualify for a managing broker's license.~~

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

20 (e) The continuing education requirement for ~~salespersons,~~
21 brokers and managing brokers shall consist of a core curriculum
22 and an elective curriculum, to be established by the Advisory
23 Council. In meeting the continuing education requirements of
24 this Act, at least 3 hours per year or their equivalent, 6
25 hours for each two-year pre-renewal period, shall be required
26 to be completed in the core curriculum. In establishing the

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

13 (f) The subject areas of continuing education courses
14 approved by the Advisory Council may include without limitation
15 the following:

- 16 (1) license law and escrow;
- 17 (2) antitrust;
- 18 (3) fair housing;
- 19 (4) agency;
- 20 (5) appraisal;
- 21 (6) property management;
- 22 (7) residential brokerage;
- 23 (8) farm property management;
- 24 (9) rights and duties of sellers, buyers, and brokers;
- 25 (10) commercial brokerage and leasing; and
- 26 (11) real estate financing.

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

7 (h) Credit hours may be earned for self-study programs
8 approved by the Advisory Council.

9 (i) A managing broker or broker ~~salesperson~~ may earn credit
10 for a specific continuing education course only once during the
11 prerenewal period.

12 (j) No more than 6 hours of continuing education credit may
13 be taken or earned in one calendar day.

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

25 (l) Except as specifically provided in this Act, continuing
26 education credit hours may not be earned for completion of pre

1 or post-license courses. The approved 30-hour post-license
2 course for broker licensees shall satisfy the continuing
3 education requirement for the pre-renewal period in which the
4 course is taken. The approved 45-hour brokerage administration
5 and management course shall satisfy the 12-hour broker
6 management continuing education requirement for the
7 pre-renewal period in which the course is taken.

8 (Source: P.A. 97-1002, eff. 8-17-12; 98-531, eff. 8-23-13.)

9 (225 ILCS 454/10-10)

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

11 Sec. 10-10. Disclosure of compensation.

12 (a) A licensee must disclose to a client the sponsoring
13 broker's compensation and policy with regard to cooperating
14 with brokers who represent other parties in a transaction.

15 (b) A licensee must disclose to a client all sources of
16 compensation related to the transaction received by the
17 licensee from a third party.

18 (c) If a licensee refers a client to a third party in which
19 the licensee has greater than a 1% ownership interest or from
20 which the licensee receives or may receive dividends or other
21 profit sharing distributions, other than a publicly held or
22 traded company, for the purpose of the client obtaining
23 services related to the transaction, then the licensee shall
24 disclose that fact to the client at the time of making the
25 referral.

1 (d) If in any one transaction a sponsoring broker receives
2 compensation from both the buyer and seller or lessee and
3 lessor of real estate, the sponsoring broker shall disclose in
4 writing to a client the fact that the compensation is being
5 paid by both buyer and seller or lessee and lessor.

6 (e) Nothing in the Act shall prohibit the cooperation with
7 or a payment of compensation to a person not domiciled in this
8 State or country who is licensed as a ~~real estate~~ broker in his
9 or her state or country of domicile or to a resident of a
10 country that does not require a person to be licensed to act as
11 a ~~real estate~~ broker if the person complies with the laws of
12 the country in which that person resides and practices there as
13 a ~~real estate~~ broker.

14 (Source: P.A. 91-245, eff. 12-31-99; 92-217, eff. 8-2-01.)

15 (225 ILCS 454/10-15)

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

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

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

22 (b) No action or suit shall be instituted, nor recovery
23 therein be had, in any court of this State by any person,
24 partnership, registered limited liability partnership, limited
25 liability company, or corporation for compensation for any act

1 done or service performed, the doing or performing of which is
2 prohibited by this Act to other than licensed managing brokers,
3 brokers, ~~salespersons,~~ or leasing agents unless the person,
4 partnership, registered limited liability partnership, limited
5 liability company, or corporation was duly licensed hereunder
6 as a managing broker, broker, ~~salesperson,~~ or leasing agent
7 under this Act at the time that any such act was done or
8 service performed that would give rise to a cause of action for
9 compensation.

10 (c) A licensee may offer compensation, including prizes,
11 merchandise, services, rebates, discounts, or other
12 consideration to an unlicensed person who is a party to a
13 contract to buy or sell real estate or is a party to a contract
14 for the lease of real estate, so long as the offer complies
15 with the provisions of subdivision (35) of subsection (a) of
16 Section 20-20 of this Act.

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

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

1 (225 ILCS 454/15-5)

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

3 Sec. 15-5. Legislative intent.

4 (a) The General Assembly finds that application of the
5 common law of agency to the relationships among managing ~~real~~
6 ~~estate~~ brokers and brokers ~~salespersons~~ and consumers of real
7 estate brokerage services has resulted in misunderstandings
8 and consequences that have been contrary to the best interests
9 of the public. The General Assembly further finds that the real
10 estate brokerage industry has a significant impact upon the
11 economy of the State of Illinois and that it is in the best
12 interest of the public to provide codification of the
13 relationships between managing ~~real estate~~ brokers and brokers
14 ~~salespersons~~ and consumers of real estate brokerage services in
15 order to prevent detrimental misunderstandings and
16 misinterpretations of the relationships by consumers, managing
17 ~~real estate~~ brokers, and brokers ~~salespersons~~ and thus promote
18 and provide stability in the real estate market. This Article
19 15 is enacted to govern the relationships between consumers of
20 real estate brokerage services and managing ~~real estate~~ brokers
21 and brokers ~~salespersons~~ to the extent not governed by an
22 individual written agreement between a sponsoring broker and a
23 consumer, providing that there is a relationship other than
24 designated agency. This Article 15 applies to the exclusion of
25 the common law concepts of principal and agent and to the
26 fiduciary duties, which have been applied to managing ~~real~~

1 ~~estate~~ brokers, brokers ~~salespersons~~, and real estate
2 brokerage services.

3 (b) The General Assembly further finds that this Article 15
4 is not intended to prescribe or affect contractual
5 relationships between managing brokers and ~~real estate~~ brokers
6 and the broker's affiliated licensees.

7 (c) This Article 15 may serve as a basis for private rights
8 of action and defenses by sellers, buyers, landlords, tenants,
9 managing brokers, and ~~real estate~~ brokers, ~~and real estate~~
10 ~~salespersons~~. The private rights of action, however, do not
11 extend to the provisions of any other Articles of this Act.

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

13 (225 ILCS 454/20-10)

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

15 Sec. 20-10. Unlicensed practice; civil penalty.

16 (a) Any person who practices, offers to practice, attempts
17 to practice, or holds oneself out to practice as a managing
18 ~~real estate~~ broker, broker ~~real estate~~ salesperson, or leasing
19 agent without being licensed under this Act shall, in addition
20 to any other penalty provided by law, pay a civil penalty to
21 the Department in an amount not to exceed \$25,000 for each
22 offense as determined by the Department. The civil penalty
23 shall be assessed by the Department after a hearing is held in
24 accordance with the provisions set forth in this Act regarding
25 the provision of a hearing for the discipline of a license.

1 (b) The Department has the authority and power to
2 investigate any and all unlicensed activity.

3 (c) The civil penalty shall be paid within 60 days after
4 the effective date of the order imposing the civil penalty. The
5 order shall constitute a judgment and may be filed and
6 execution had thereon in the same manner from any court of
7 record.

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

9 (225 ILCS 454/20-20)

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

11 Sec. 20-20. Grounds for discipline.

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

21 (1) Fraud or misrepresentation in applying for, or
22 procuring, a license under this Act or in connection with
23 applying for renewal of a license under this Act.

24 (2) The conviction of or plea of guilty or plea of nolo
25 contendere to a felony or misdemeanor in this State or any

1 other jurisdiction; or the entry of an administrative
2 sanction by a government agency in this State or any other
3 jurisdiction. Action taken under this paragraph (2) for a
4 misdemeanor or an administrative sanction is limited to a
5 misdemeanor or administrative sanction that has as an
6 essential element dishonesty or fraud or involves larceny,
7 embezzlement, or obtaining money, property, or credit by
8 false pretenses or by means of a confidence game.

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

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

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

26 (6) Engaging in the practice of real estate brokerage

1 without a license or after the licensee's license was
2 expired or while the license was inoperative.

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

5 (8) Aiding or abetting an applicant to subvert or cheat
6 on the Real Estate License Exam or continuing education
7 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 to
13 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 a broker
24 other than the sponsoring broker.

25 (16) Failure to account for or to remit any moneys or
26 documents coming into his or her possession that belong to

1 others.

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

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

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

1 a court of competent jurisdiction; and (iii) if 6
2 months have elapsed after the receipt of a written
3 demand for the escrow moneys from one of the principals
4 to the transaction or the principal's duly authorized
5 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 hours
15 of a request for those documents by Department personnel.

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

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

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

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

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

5 (24) Permitting the use of his or her license as a
6 broker to enable a leasing agent ~~salesperson~~ or unlicensed
7 person to operate a real estate business without actual
8 participation therein and control thereof by the broker.

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

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

17 (27) Failing to provide information requested by the
18 Department, or otherwise respond to that request, within 30
19 days of the request.

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

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

25 (A) A "guaranteed sales plan" is any real estate
26 purchase or sales plan whereby a licensee enters into a

1 conditional or unconditional written contract with a
2 seller, prior to entering into a brokerage agreement
3 with the seller, by the terms of which a licensee
4 agrees to purchase a property of the seller within a
5 specified period of time at a specific price in the
6 event the property is not sold in accordance with the
7 terms of a brokerage agreement to be entered into
8 between the sponsoring broker and the seller.

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

12 (C) A licensee offering a guaranteed sales plan
13 shall provide to the party to whom the plan is offered
14 evidence of sufficient financial resources to satisfy
15 the commitment to purchase undertaken by the broker in
16 the plan.

17 (D) Any licensee offering a guaranteed sales plan
18 shall undertake to market the property of the seller
19 subject to the plan in the same manner in which the
20 broker would market any other property, unless the
21 agreement with the seller provides otherwise.

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

25 (F) Any licensee who fails to perform on a
26 guaranteed sales plan in strict accordance with its

1 terms shall be subject to all the penalties provided in
2 this Act for violations thereof and, in addition, shall
3 be subject to a civil fine payable to the party injured
4 by the default in an amount of up to \$25,000.

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 the
3 attorney for either the buyer or the seller in the same
4 transaction in which the licensee is acting or has acted as
5 a managing broker or broker ~~salesperson~~.

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 a
12 real estate site. As used in this subdivision (35), "free"
13 includes terms such as "award", "prize", "no charge", "free
14 of charge", "without charge", and similar words or phrases
15 that reasonably lead a person to believe that he or she may
16 receive or has been selected to receive something of value,
17 without any conditions or obligations on the part of the
18 recipient.

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

23 (37) Violating the terms of a disciplinary order issued
24 by the Department.

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

1 (39) Requiring a party to a transaction who is not a
2 client of the licensee to allow the licensee to retain a
3 portion of the escrow moneys for payment of the licensee's
4 commission or expenses as a condition for release of the
5 escrow moneys to that party.

6 (40) Disregarding or violating any provision of this
7 Act or the published rules promulgated by the Department to
8 enforce this Act or aiding or abetting any individual,
9 partnership, registered limited liability partnership,
10 limited liability company, or corporation in disregarding
11 any provision of this Act or the published rules
12 promulgated by the Department to enforce this Act.

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

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

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

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

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

7 (c) The Department shall deny a license or renewal
8 authorized by this Act to a person who has defaulted on an
9 educational loan or scholarship provided or guaranteed by the
10 Illinois Student Assistance Commission or any governmental
11 agency of this State in accordance with item (5) of subsection
12 (a) of Section 2105-15 of the Civil Administrative Code of
13 Illinois.

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

25 (e) In enforcing this Section, the Department or Board upon
26 a showing of a possible violation may compel an individual

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

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

1 Department to file, a complaint to immediately suspend, revoke,
2 or otherwise discipline the license of the individual. An
3 individual whose license was granted, continued, reinstated,
4 renewed, disciplined or supervised subject to such terms,
5 conditions, or restrictions, and who fails to comply with such
6 terms, conditions, or restrictions, shall be referred to the
7 Secretary for a determination as to whether the individual
8 shall have his or her license suspended immediately, pending a
9 hearing by the Department.

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

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

24 (Source: P.A. 97-813, eff. 7-13-12; 97-1002, eff. 8-17-12;
25 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

1 (225 ILCS 454/20-21)

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

3 Sec. 20-21. Injunctions; cease and desist order.

4 (a) If any person violates the provisions of this Act, the
5 Secretary may, in the name of the People of the State of
6 Illinois, through the Attorney General of the State of Illinois
7 or the State's Attorney for any county in which the action is
8 brought, petition for an order enjoining the violation or for
9 an order enforcing compliance with this Act. Upon the filing of
10 a verified petition in court, the court may issue a temporary
11 restraining order, without notice or condition, and may
12 preliminarily and permanently enjoin the violation. If it is
13 established that the person has violated or is violating the
14 injunction, the Court may punish the offender for contempt of
15 court. Proceedings under this Section shall be in addition to,
16 and not in lieu of, all other remedies and penalties provided
17 by this Act.

18 (b) Whenever in the opinion of the Department a person
19 violates a provision of this Act, the Department may issue a
20 ruling to show cause why an order to cease and desist should
21 not be entered against that person. The rule shall clearly set
22 forth the grounds relied upon by the Department and shall allow
23 at least 7 days from the date of the rule to file an answer to
24 the satisfaction of the Department. Failure to answer to the
25 satisfaction of the Department shall cause an order to cease
26 and desist to be issued immediately.

1 (c) Other than as provided in Section 5-20 of this Act, if
2 any person practices as a managing ~~real estate~~ broker, broker,
3 ~~real estate salesperson~~ or leasing agent or holds himself or
4 herself out as a licensed sponsoring broker, managing broker,
5 ~~real estate~~ broker, ~~real estate salesperson~~ or leasing agent
6 under this Act without being issued a valid existing license by
7 the Department, then any licensed sponsoring broker, managing
8 broker, ~~real estate~~ broker, ~~real estate salesperson~~, leasing
9 agent, any interested party, or any person injured thereby may,
10 in addition to the Secretary, petition for relief as provided
11 in subsection (a) of this Section.

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

13 (225 ILCS 454/20-22)

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

15 Sec. 20-22. Violations. Any person who is found working or
16 acting as a managing broker, ~~real estate~~ broker, ~~real estate~~
17 ~~salesperson~~, or leasing agent or holding himself or herself out
18 as a licensed sponsoring broker, managing broker, ~~real estate~~
19 broker, ~~real estate salesperson~~, or leasing agent without being
20 issued a valid existing license is guilty of a Class A
21 misdemeanor and on conviction of a second or subsequent offense
22 the violator shall be guilty of a Class 4 felony.

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

24 (225 ILCS 454/20-85)

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

2 Sec. 20-85. Recovery from Real Estate Recovery Fund. The
3 Department shall maintain a Real Estate Recovery Fund from
4 which any person aggrieved by an act, representation,
5 transaction, or conduct of a licensee or unlicensed employee of
6 a licensee that is in violation of this Act or the rules
7 promulgated pursuant thereto, constitutes embezzlement of
8 money or property, or results in money or property being
9 unlawfully obtained from any person by false pretenses,
10 artifice, trickery, or forgery or by reason of any fraud,
11 misrepresentation, discrimination, or deceit by or on the part
12 of any such licensee or the unlicensed employee of a licensee
13 and that results in a loss of actual cash money, as opposed to
14 losses in market value, may recover. The aggrieved person may
15 recover, by a post-judgment order of the circuit court of the
16 county where the violation occurred in a proceeding described
17 in Section 20-90 of this Act, an amount of not more than
18 \$25,000 from the Fund for damages sustained by the act,
19 representation, transaction, or conduct, together with costs
20 of suit and attorney's fees incurred in connection therewith of
21 not to exceed 15% of the amount of the recovery ordered paid
22 from the Fund. However, no person ~~licensee~~ may recover from the
23 Fund unless the court finds that the person suffered a loss
24 resulting from intentional misconduct. The post-judgment order
25 shall not include interest on the judgment. The maximum
26 liability against the Fund arising out of any one act shall be

1 as provided in this Section, and the post-judgment order shall
2 spread the award equitably among all co-owners or otherwise
3 aggrieved persons, if any. The maximum liability against the
4 Fund arising out of the activities of any one licensee or one
5 unlicensed employee of a licensee, since January 1, 1974, shall
6 be \$100,000. Nothing in this Section shall be construed to
7 authorize recovery from the Fund unless the loss of the
8 aggrieved person results from an act or omission of a licensee
9 under this Act who was at the time of the act or omission
10 acting in such capacity or was apparently acting in such
11 capacity or their unlicensed employee and unless the aggrieved
12 person has obtained a valid judgment and post-judgment order of
13 the court as provided for in Section 20-90 of this Act. No
14 person aggrieved by an act, representation, or transaction that
15 is in violation of the Illinois Real Estate Time-Share Act or
16 the Land Sales Registration Act of 1989 may recover from the
17 Fund.

18 (Source: P.A. 96-856, eff. 12-31-09; 97-1002, eff. 8-17-12.)

19 (225 ILCS 454/25-10)

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

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

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

4 (2) Six members shall have been actively engaged as
5 managing brokers or brokers ~~salespersons~~ or both for at
6 least the 10 years prior to the appointment.

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

9 None of these members shall be (i) a person who is licensed
10 under this Act or a similar Act of another jurisdiction, (ii)
11 the spouse or family member of a licensee, (iii) a person who
12 has an ownership interest in a real estate brokerage business,
13 or (iv) a person the Department determines to have any other
14 connection with a real estate brokerage business or a licensee.
15 The members' terms shall be 4 years or until their successor is
16 appointed, and the expiration of their terms shall be
17 staggered. Appointments to fill vacancies shall be for the
18 unexpired portion of the term. The membership of the Board
19 should reasonably reflect the geographic distribution of the
20 licensee population in this State. In making the appointments,
21 the Governor shall give due consideration to the
22 recommendations by members and organizations of the
23 profession. The Governor may terminate the appointment of any
24 member for cause that in the opinion of the Governor reasonably
25 justifies the termination. Cause for termination shall include
26 without limitation misconduct, incapacity, neglect of duty, or

1 missing 4 board meetings during any one calendar year. Each
2 member of the Board may receive a per diem stipend in an amount
3 to be determined by the Secretary. Each member shall be paid
4 his or her necessary expenses while engaged in the performance
5 of his or her duties. Such compensation and expenses shall be
6 paid out of the Real Estate License Administration Fund. The
7 Secretary shall consider the recommendations of the Board on
8 questions involving standards of professional conduct,
9 discipline, and examination of candidates under this Act. The
10 Department, after notifying and considering the
11 recommendations of the Board, if any, may issue rules,
12 consistent with the provisions of this Act, for the
13 administration and enforcement thereof and may prescribe forms
14 that shall be used in connection therewith. Five Board members
15 shall constitute a quorum. A quorum is required for all Board
16 decisions.

17 (Source: P.A. 98-1109, eff. 1-1-15.)

18 (225 ILCS 454/25-25)

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

20 Sec. 25-25. Real Estate Research and Education Fund. A
21 special fund to be known as the Real Estate Research and
22 Education Fund is created and shall be held in trust in the
23 State Treasury. Annually, on September 15th, the State
24 Treasurer shall cause a transfer of \$125,000 to the Real Estate
25 Research and Education Fund from the Real Estate License

1 Administration Fund. The Real Estate Research and Education
2 Fund shall be administered by the Department. Money deposited
3 in the Real Estate Research and Education Fund may be used for
4 research and education at state institutions of higher
5 education or other organizations for research and the
6 advancement of education in the real estate industry. Of the
7 \$125,000 annually transferred into the Real Estate Research and
8 Education Fund, \$15,000 shall be used to fund a scholarship
9 program for persons of minority racial origin who wish to
10 pursue a course of study in the field of real estate. For the
11 purposes of this Section, "course of study" means a course or
12 courses that are part of a program of courses in the field of
13 real estate designed to further an individual's knowledge or
14 expertise in the field of real estate. These courses shall
15 include without limitation ~~courses that a salesperson licensed~~
16 ~~under this Act must complete to qualify for a real estate~~
17 ~~broker's license,~~ courses that a broker licensed under this Act
18 must complete to qualify for a managing broker's license,
19 courses required to obtain the Graduate Realtors Institute
20 designation, and any other courses or programs offered by
21 accredited colleges, universities, or other institutions of
22 higher education in Illinois. The scholarship program shall be
23 administered by the Department or its designee. Moneys in the
24 Real Estate Research and Education Fund may be invested and
25 reinvested in the same manner as funds in the Real Estate
26 Recovery Fund and all earnings, interest, and dividends

1 received from such investments shall be deposited in the Real
2 Estate Research and Education Fund and may be used for the same
3 purposes as moneys transferred to the Real Estate Research and
4 Education Fund. Moneys in the Real Estate Research and
5 Education Fund may be transferred to the Professions Indirect
6 Cost Fund as authorized under Section 2105-300 of the
7 Department of Professional Regulation Law of the Civil
8 Administrative Code of Illinois.

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

10 (225 ILCS 454/30-15)

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

12 Sec. 30-15. Licensing of continuing education schools;
13 approval of courses.

14 (a) Only continuing education schools in possession of a
15 valid continuing education school license may provide real
16 estate continuing education courses that will satisfy the
17 requirements of this Act. Pre-license schools licensed to offer
18 pre-license education courses for ~~salespersons,~~ brokers, and
19 managing brokers, or leasing agents shall qualify for a
20 continuing education school license upon completion of an
21 application and the submission of the required fee. Every
22 entity that desires to obtain a continuing education school
23 license shall make application to the Department in writing in
24 forms prescribed by the Department and pay the fee prescribed
25 by rule. In addition to any other information required to be

1 contained in the application, every application for an original
2 or renewed license shall include the applicant's Social
3 Security number.

4 (b) The criteria for a continuing education license shall
5 include the following:

6 (1) A sound financial base for establishing,
7 promoting, and delivering the necessary courses. Budget
8 planning for the School's courses should be clearly
9 projected.

10 (2) A sufficient number of qualified, licensed
11 instructors as provided by rule.

12 (3) Adequate support personnel to assist with
13 administrative matters and technical assistance.

14 (4) Maintenance and availability of records of
15 participation for licensees.

16 (5) The ability to provide each participant who
17 successfully completes an approved program with a
18 certificate of completion signed by the administrator of a
19 licensed continuing education school on forms provided by
20 the Department.

21 (6) The continuing education school must have a written
22 policy dealing with procedures for the management of
23 grievances and fee refunds.

24 (7) The continuing education school shall maintain
25 lesson plans and examinations for each course.

26 (8) The continuing education school shall require a 70%

1 passing grade for successful completion of any continuing
2 education course.

3 (9) The continuing education school shall identify and
4 use instructors who will teach in a planned program.
5 Suggested criteria for instructor selections include:

- 6 (A) appropriate credentials;
7 (B) competence as a teacher;
8 (C) knowledge of content area; and
9 (D) qualification by experience.

10 (10) The continuing education school shall provide a
11 proctor or an electronic means of proctoring for each
12 examination. The continuing education school shall be
13 responsible for the conduct of the proctor. The duties and
14 responsibilities of a proctor shall be established by rule.

15 (11) The continuing education school must provide for
16 closed book examinations for each course unless the
17 Advisory Council excuses this requirement based on the
18 complexity of the course material.

19 (c) Advertising and promotion of continuing education
20 activities must be carried out in a responsible fashion,
21 clearly showing the educational objectives of the activity, the
22 nature of the audience that may benefit from the activity, the
23 cost of the activity to the participant and the items covered
24 by the cost, the amount of credit that can be earned, and the
25 credentials of the faculty.

26 (d) The Department may or upon request of the Advisory

1 Council shall, after notice, cause a continuing education
2 school to attend an informal conference before the Advisory
3 Council for failure to comply with any requirement for
4 licensure or for failure to comply with any provision of this
5 Act or the rules for the administration of this Act. The
6 Advisory Council shall make a recommendation to the Board as a
7 result of its findings at the conclusion of any such informal
8 conference.

9 (e) All continuing education schools shall maintain these
10 minimum criteria and pay the required fee in order to retain
11 their continuing education school license.

12 (f) All continuing education schools shall submit, at the
13 time of initial application and with each license renewal, a
14 list of courses with course materials to be offered by the
15 continuing education school. The Department, however, shall
16 establish a mechanism whereby continuing education schools may
17 apply for and obtain approval for continuing education courses
18 that are submitted after the time of initial application or
19 renewal. The Department shall provide to each continuing
20 education school a certificate for each approved continuing
21 education course. All continuing education courses shall be
22 valid for the period coinciding with the term of license of the
23 continuing education school. All continuing education schools
24 shall provide a copy of the certificate of the continuing
25 education course within the course materials given to each
26 student or shall display a copy of the certificate of the

1 continuing education course in a conspicuous place at the
2 location of the class.

3 (g) Each continuing education school shall provide to the
4 Department a monthly report in a format determined by the
5 Department, with information concerning students who
6 successfully completed all approved continuing education
7 courses offered by the continuing education school for the
8 prior month.

9 (h) The Department, upon the recommendation of the Advisory
10 Council, may temporarily suspend a licensed continuing
11 education school's approved courses without hearing and refuse
12 to accept successful completion of or participation in any of
13 these continuing education courses for continuing education
14 credit from that school upon the failure of that continuing
15 education school to comply with the provisions of this Act or
16 the rules for the administration of this Act, until such time
17 as the Department receives satisfactory assurance of
18 compliance. The Department shall notify the continuing
19 education school of the noncompliance and may initiate
20 disciplinary proceedings pursuant to this Act. The Department
21 may refuse to issue, suspend, revoke, or otherwise discipline
22 the license of a continuing education school or may withdraw
23 approval of a continuing education course for good cause.
24 Failure to comply with the requirements of this Section or any
25 other requirements established by rule shall be deemed to be
26 good cause. Disciplinary proceedings shall be conducted by the

1 Board in the same manner as other disciplinary proceedings
2 under this Act.

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

4 (225 ILCS 454/35-5)

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

6 Sec. 35-5. Savings provisions.

7 (a) This Act is intended to replace the Real Estate License
8 Act of 1983 in all respects.

9 (b) ~~The Beginning December 31, 1999, the~~ rights, powers,
10 and duties exercised by the Office of Banks and Real Estate
11 under the Real Estate License Act of 1983 shall continue to be
12 vested in, be the obligation of, and shall be exercised by the
13 Division of Real Estate of the Department of Financial and
14 Professional Regulation ~~Office of Banks and Real Estate~~ under
15 the provisions of this Act.

16 (c) This Act does not affect any act done, ratified, or
17 cancelled, or any right occurring or established, or any action
18 or proceeding had or commenced in an administrative, civil, or
19 criminal cause before December 31, 1999, by the Office of Banks
20 and Real Estate under the Real Estate License Act of 1983, and
21 those actions or proceedings may be prosecuted and continued by
22 the Division of Real Estate of the Department of Financial and
23 Professional Regulation ~~Office of Banks and Real Estate~~ under
24 this Act.

25 (d) This Act does not affect any license, certificate,

1 permit, or other form of licensure or authorization issued by
2 the Office of Banks and Real Estate under the Real Estate
3 License Act of 1983 or by the Division of Professional
4 Regulation of the Department of Financial and Professional
5 Regulation under this Act, and all such licenses, certificates,
6 permits, or other form of licensure or authorization shall
7 continue to be valid under the terms and conditions of this
8 Act.

9 (e) The rules adopted by the Office of Banks and Real
10 Estate relating to the Real Estate License Act of 1983, unless
11 inconsistent with the provisions of this Act, are not affected
12 by this Act, and on December 31, 1999 those rules become the
13 rules under this Act. The Office of Banks and Real Estate
14 shall, as soon as practicable, adopt new or amended rules
15 consistent with the provisions of this Act.

16 (f) This Act does not affect any discipline, suspension, or
17 termination taken under the Real Estate License Act of 1983 and
18 that discipline, suspension, or termination shall be continued
19 under this Act.

20 (g) This Act does not affect any appointments, term
21 limitations, years served, or other matters relating to
22 individuals serving on any board or council under the Real
23 Estate License Act of 1983, and these appointments, term
24 limitations, years served, and other matters shall be continued
25 under this Act.

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

1 (225 ILCS 454/5-46 rep.)

2 (225 ILCS 454/5-47 rep.)

3 Section 960. The Real Estate License Act of 2000 is amended
4 by repealing Sections 5-46 and 5-47.

5 Section 965. The Professional Service Corporation Act is
6 amended by changing Sections 2, 3.1, 3.2, 3.6, 12, 12.1, and 13
7 and by adding Sections 13.5 and 15.5 as follows:

8 (805 ILCS 10/2) (from Ch. 32, par. 415-2)

9 Sec. 2. It is the legislative intent to provide for the
10 incorporation of an individual or group of individuals to
11 render the same professional service or related professional
12 services to the public for which such individuals are required
13 by law to be licensed or to obtain other legal authorization,
14 while preserving the established professional aspects of the
15 personal relationship between the professional person and
16 those he or she serves professionally.

17 (Source: P.A. 78-783.)

18 (805 ILCS 10/3.1) (from Ch. 32, par. 415-3.1)

19 Sec. 3.1. "Ancillary personnel" means such person acting in
20 their customary capacities, employed by those rendering a
21 professional service who:

22 (1) Are not licensed to engage in the category of

1 professional service for which a professional corporation was
2 formed; and

3 (2) Work at the direction or under the supervision of those
4 who are so licensed; and

5 (3) Do not hold themselves out to the public generally as
6 being authorized to engage in the practice of the profession
7 for which the corporation is licensed; and

8 (4) Are not prohibited by the regulating ~~licensing~~
9 authority, regulating the category of professional service
10 rendered by the corporation from being so employed and includes
11 clerks, secretaries, technicians and other assistants who are
12 not usually and ordinarily considered by custom and practice to
13 be rendering the professional services for which the
14 corporation was formed.

15 (Source: P.A. 77-565.)

16 (805 ILCS 10/3.2) (from Ch. 32, par. 415-3.2)

17 Sec. 3.2. "Regulating authority" means ~~the State board,~~
18 ~~department, agency or~~ the Supreme Court of Illinois (in the
19 case of attorneys at law), the Department of Financial and
20 Professional Regulation, or other State board, department, or
21 agency having jurisdiction to grant a license to render the
22 category of professional service for which a professional
23 corporation has been organized, or ~~or~~ the United States Patent
24 Office, or the Internal Revenue Service of the United States
25 Treasury Department.

1 (Source: P.A. 78-561.)

2 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

3 Sec. 3.6. "Related professions" and "related professional
4 services" mean more than one personal service which requires as
5 a condition precedent to the rendering thereof the obtaining of
6 a license and which prior to October 1, 1973 could not be
7 performed by a corporation by reason of law; provided, however,
8 that these terms shall be restricted to:

9 (1) a combination of 2 ~~two~~ or more of the following
10 personal services: (a) "architecture" as defined in
11 Section 5 of the Illinois Architecture Practice Act of
12 1989, (b) "professional engineering" as defined in Section
13 4 of the Professional Engineering Practice Act of 1989, (c)
14 "structural engineering" as defined in Section 5 of the
15 Structural Engineering Practice Act of 1989, (d) "land
16 surveying" as defined in Section 2 of the Illinois
17 Professional Land Surveyor Act of 1989; ~~or~~

18 (2) a combination of the following personal services:
19 (a) the practice of medicine by persons licensed under the
20 Medical Practice Act of 1987, (b) the practice of podiatry
21 as defined in ~~Section 5 of~~ the Podiatric Medical Practice
22 Act of 1987, (c) the practice of dentistry as defined in
23 the Illinois Dental Practice Act, (d) the practice of
24 optometry as defined in the Illinois Optometric Practice
25 Act of 1987; ~~or~~

1 (3) a combination of 2 or more of the following
2 personal services: (a) the practice of clinical psychology
3 by persons licensed under the Clinical Psychologist
4 Licensing Act, (b) the practice of social work or clinical
5 social work by persons licensed under the Clinical Social
6 Work and Social Work Practice Act, (c) the practice of
7 marriage and family therapy by persons licensed under the
8 Marriage and Family Therapy Licensing Act, (d) the practice
9 of professional counseling or clinical professional
10 counseling by persons licensed under the Professional
11 Counselor and Clinical Professional Counselor Licensing
12 and Practice Act, or (e) the practice of sex offender
13 evaluations by persons licensed under the Sex Offender
14 Evaluation and Treatment Provider Act; or

15 (4) a combination of 2 or more of the following
16 personal services: (a) the practice of acupuncture by
17 persons licensed under the Acupuncture Practice Act, (b)
18 the practice of massage by persons licensed under the
19 Massage Licensing Act, (c) the practice of naprapathy by
20 persons licensed under the Naprapathic Practice Act, (d)
21 the practice of occupational therapy by persons licensed
22 under the Illinois Occupational Therapy Practice Act, or
23 (e) the practice of physical therapy by persons licensed
24 under the Illinois Physical Therapy Act.

25 (Source: P.A. 95-738, eff. 1-1-09.)

1 (805 ILCS 10/12) (from Ch. 32, par. 415-12)

2 Sec. 12. (a) No corporation shall open, operate or maintain
3 an establishment for any of the purposes for which a
4 corporation may be organized under this Act without a
5 certificate of registration from the regulating authority
6 authorized by law to license individuals to engage in the
7 profession or related professions concerned. Application for
8 such registration shall be made in writing, and shall contain
9 the name and primary mailing address of the corporation, the
10 name and address of the corporation's registered agent, the
11 address of the practice location maintained by the corporation,
12 each assumed name being used by the corporation, and such other
13 information as may be required by the regulating authority. All
14 official correspondence from the regulating authority shall be
15 mailed to the primary mailing address of the corporation except
16 that the corporation may elect to have renewal and non-renewal
17 notices sent to the registered agent of the corporation. Upon
18 receipt of such application, the regulating authority, or some
19 administrative agency of government designated by it, shall
20 make an investigation of the corporation. If the regulating
21 authority is the Supreme Court it may designate the bar or
22 legal association which investigates and prefers charges
23 against lawyers to it for disciplining. If such authority finds
24 that the incorporators, officers, directors and shareholders
25 are each licensed pursuant to the laws of Illinois to engage in
26 the particular profession or related professions involved

1 (except that the secretary of the corporation need not be so
2 licensed), and if no disciplinary action is pending before it
3 against any of them, and if it appears that the corporation
4 will be conducted in compliance with the law and the
5 regulations and rules of the regulating authority, such
6 authority, shall issue, upon payment of a registration fee of
7 \$50, a certificate of registration.

8 A separate application shall be submitted for each business
9 location in Illinois. If the corporation is using more than one
10 fictitious or assumed name and has an address different from
11 that of the parent company, a separate application shall be
12 submitted for each fictitious or assumed name.

13 Upon written application of the holder, the regulating
14 authority which originally issued the certificate of
15 registration shall renew the certificate if it finds that the
16 corporation has complied with its regulations and the
17 provisions of this Act.

18 The fee for the renewal of a certificate of registration
19 shall be calculated at the rate of \$40 per year.

20 The certificate of registration shall be conspicuously
21 posted upon the premises to which it is applicable, ~~and the~~
22 ~~professional corporation shall have only those offices which~~
23 ~~are designated by street address in the articles of~~
24 ~~incorporation, or as changed by amendment of such articles.~~ No
25 certificate of registration shall be assignable.

26 (b) Moneys collected under this Section from a professional

1 corporation organized to practice law shall be deposited into
2 the Supreme Court Special Purposes Fund.

3 (c) After the effective date of this amendatory Act of the
4 98th General Assembly, the amount of any fee collected under
5 this Section from a professional corporation organized to
6 practice law may be set by Supreme Court rule, except that the
7 amount of the fees shall remain as set by statute until the
8 Supreme Court adopts rules specifying a higher or lower fee
9 amount.

10 (Source: P.A. 98-324, eff. 10-1-13.)

11 (805 ILCS 10/12.1) (from Ch. 32, par. 415-12.1)

12 Sec. 12.1. Any corporation which on 2 occasions issues or
13 delivers a check or other order to the Department of Financial
14 and Professional Regulation which is not honored by the
15 financial institution upon which it is drawn because of
16 insufficient funds on account, shall pay to the Department, in
17 addition to the amount owing upon such check or other order, a
18 fee of \$50. If such check or other order was issued or
19 delivered in payment of a renewal fee and the corporation whose
20 certificate of registration has lapsed continues to practice as
21 a corporation without paying the renewal fee and the \$50 fee
22 required under this Section, an additional fee of \$100 shall be
23 imposed for practicing without a current license. The
24 Department shall notify the corporation whose certificate of
25 registration has lapsed, within 30 days after the discovery by

1 the Department that such corporation is operating without a
2 current certificate, that the corporation is operating without
3 a certificate, and of the amount due to the Department, which
4 shall include the lapsed renewal fee and all other fees
5 required by this Section. If after the expiration of 30 days
6 from the date of such notification, the corporation whose
7 certificate has lapsed seeks a current certificate, it shall
8 thereafter apply to the Department for reinstatement of the
9 certificate and pay all fees due to the Department. The
10 Department may establish a fee for the processing of an
11 application for reinstatement of a certificate which allows the
12 Department to pay all costs and expenses incident to the
13 processing of this application. The Director may waive the fees
14 due under this Section in individual cases where he finds that
15 in the particular case such fees would be unreasonable or
16 unnecessarily burdensome.

17 (Source: P.A. 85-1209.)

18 (805 ILCS 10/13) (from Ch. 32, par. 415-13)

19 Sec. 13. The regulating authority which issued the
20 certificate of registration may suspend or revoke the
21 certificate or may otherwise discipline the certificate holder
22 ~~it~~ for any of the following reasons:

23 (a) The revocation or suspension of the license to practice
24 the profession of any officer, director, shareholder or
25 employee not promptly removed or discharged by the corporation;

1 (b) unethical professional conduct on the part of any officer,
2 director, shareholder or employee not promptly removed or
3 discharged by the corporation; (c) the death of the last
4 remaining shareholder; (d) upon finding that the holder of a
5 certificate has failed to comply with the provisions of this
6 Act or the regulations prescribed by the regulating authority
7 that issued it; or (e) the failure to file a return, or to pay
8 the tax, penalty or interest shown in a filed return, or to pay
9 any final assessment of tax, penalty or interest, as required
10 by any tax Act administered by the Illinois Department of
11 Revenue, until such time as the requirements of any such tax
12 Act are satisfied.

13 Before any certificate of registration is suspended or
14 revoked, the holder shall be given written notice of the
15 proposed action and the reasons therefor, and shall provide a
16 public hearing by the regulating authority, with the right to
17 produce testimony and other evidence concerning the charges
18 made. The notice shall also state the place and date of the
19 hearing which shall be at least 10 days after service of said
20 notice.

21 All orders of regulating authorities denying an
22 application for a certificate of registration, ~~or~~ suspending or
23 revoking a certificate of registration, or imposing a civil
24 penalty shall be subject to judicial review pursuant to the
25 provisions of the Administrative Review Law, as now or
26 hereafter amended, and the rules adopted pursuant thereto then

1 in force.

2 The proceedings for judicial review shall be commenced in
3 the circuit court of the county in which the party applying for
4 review is located. If the party is not currently located in
5 Illinois, the venue shall be in Sangamon County. The regulating
6 authority shall not be required to certify any record to the
7 court or file any answer in court or otherwise appear in any
8 court in a judicial review proceeding, unless and until the
9 regulating authority has received from the plaintiff payment of
10 the costs of furnishing and certifying the record, which costs
11 shall be determined by the regulating authority. Exhibits shall
12 be certified without cost. Failure on the part of the plaintiff
13 to file a receipt in court is grounds for dismissal of the
14 action.

15 (Source: P.A. 85-1222.)

16 (805 ILCS 10/13.5 new)

17 Sec. 13.5. Notice of violation. Whenever the regulating
18 authority has reason to believe a corporation has opened,
19 operated, or maintained an establishment for any of the
20 purposes for which a corporation may be organized under this
21 Act without a certificate of registration from the regulating
22 authority authorized by law to license individuals to engage in
23 the profession or related professions, the regulating
24 authority may issue a notice of violation to the corporation.
25 The notice of violation shall provide a period of 30 days from

1 the date of the notice to either file an answer to the
2 satisfaction of the regulating authority or submit an
3 application for registration in compliance with this Act,
4 including payment of the \$50 application fee and a late fee of
5 \$100 for each year that the corporation opened, operated, or
6 maintained an establishment for any of the purposes for which a
7 corporation may be organized under this Act without having been
8 issued a certificate of registration, with a maximum late fee
9 of \$500. If the corporation that is the subject of the notice
10 of violation fails to respond, fails to respond to the
11 satisfaction of the regulating authority, or fails to submit an
12 application for registration, the regulating authority may
13 institute disciplinary proceedings against the corporation and
14 may impose a civil penalty up to \$1,000 for violation of this
15 Act after affording the corporation a hearing in conformance
16 with the requirements of this Act.

17 (805 ILCS 10/15.5 new)

18 Sec. 15.5. Confidentiality. All information collected by
19 the regulating authority in the course of an examination or
20 investigation of a holder of a certificate of registration or
21 an applicant, including, but not limited to, any complaint
22 against a holder of a certificate of registration filed with
23 the regulating authority and information collected to
24 investigate any such complaint, shall be maintained for the
25 confidential use of the regulating authority and shall not be

1 disclosed. The regulating authority may not disclose the
2 information to anyone other than law enforcement officials,
3 other regulatory agencies that have an appropriate regulatory
4 interest as determined by the regulating authority, or a party
5 presenting a lawful subpoena to the regulating authority.
6 Information and documents disclosed to a federal, State,
7 county, or local law enforcement agency shall not be disclosed
8 by the agency for any purpose to any other agency or person. A
9 formal complaint filed against a holder of a certificate of
10 registration or an applicant shall be a public record, except
11 as otherwise prohibited by law.

12 Section 970. The Medical Corporation Act is amended by
13 changing Sections 2, 5, 5.1, 8, 10, 11, 12, 13, and 15 and by
14 adding Sections 13.5 and 16.5 as follows:

15 (805 ILCS 15/2) (from Ch. 32, par. 632)

16 Sec. 2. One or more persons licensed pursuant to the
17 Medical Practice Act of 1987, as heretofore or hereafter
18 amended, may form a corporation pursuant to the "Business
19 Corporation Act of 1983", as amended, to own, operate and
20 maintain an establishment for the study, diagnosis and
21 treatment of human ailments and injuries, whether physical or
22 mental, and to promote medical, surgical and scientific
23 research and knowledge; provided that medical or surgical
24 treatment, consultation or advice may be given by shareholders,

1 directors, officers, agents, and employees of the corporation
2 only if they are licensed pursuant to the Medical Practice Act
3 of 1987; and provided further, however, that nothing herein
4 shall prohibit an attorney licensed to practice law in Illinois
5 from signing and acting as initial incorporator on behalf of
6 such corporation.

7 (Source: P.A. 85-1209.)

8 (805 ILCS 15/5) (from Ch. 32, par. 635)

9 Sec. 5. No corporation shall open, operate or maintain an
10 establishment for any of the purposes set forth in Section 2 of
11 this Act without a certificate of registration from the
12 Department of Financial and Professional Regulation,
13 hereinafter called the Department. Application for such
14 registration shall be made to the Department in writing and
15 shall contain the name and primary mailing address of the
16 corporation, the name and address of the corporation's
17 registered agent, the address of the practice location
18 maintained by the corporation, each assumed name being used by
19 the corporation, and such other information as may be required
20 by the Department. All official correspondence from the
21 Department shall be mailed to the primary mailing address of
22 the corporation except that the corporation may elect to have
23 renewal and non-renewal notices sent to the registered agent of
24 the corporation. A separate application shall be submitted for
25 each business location in Illinois. If the corporation is using

1 more than one fictitious or assumed name and has an address
2 different from that of the parent company, a separate
3 application shall be submitted for each fictitious or assumed
4 name. Upon receipt of such application, the Department shall
5 make an investigation of the corporation. If the Department
6 finds that the incorporators, officers, directors and
7 shareholders are all licensed pursuant to the Medical Practice
8 Act of 1987 and if no disciplinary action is pending before the
9 Department against any of them, and if it appears that the
10 corporation will be conducted in compliance with law and the
11 regulations of the Department, the Department shall issue, upon
12 payment of a registration fee of \$50, a certificate of
13 registration.

14 (Source: P.A. 85-1209.)

15 (805 ILCS 15/5.1)

16 Sec. 5.1. Deposit of fees and fines. Beginning July 1,
17 2003, all of the fees, civil penalties, and fines collected
18 under this Act shall be deposited into the General Professions
19 Dedicated Fund.

20 (Source: P.A. 93-32, eff. 7-1-03.)

21 (805 ILCS 15/8) (from Ch. 32, par. 638)

22 Sec. 8. In the event of a change of location of the
23 registered establishment, the corporation shall notify the
24 Department, in accordance with its regulations, and the

1 Department shall amend the certificate of registration so that
2 it shall apply to the new location.

3 (Source: Laws 1963, p. 3513.)

4 (805 ILCS 15/10) (from Ch. 32, par. 640)

5 Sec. 10. The Department may suspend or revoke any
6 certificate of registration or may otherwise discipline the
7 certificate holder for any of the following reasons: (a) the
8 revocation or suspension of the license to practice medicine of
9 any officer, director, shareholder or employee not promptly
10 removed or discharged by the corporation; (b) unethical
11 professional conduct on the part of any officer, director,
12 shareholder or employee not promptly removed or discharged by
13 the corporation; (c) the death of the last remaining
14 shareholder; or (d) upon finding that the holder of a
15 certificate has failed to comply with the provisions of this
16 Act or the regulations prescribed by the Department.

17 The Department may refuse to issue or renew or may suspend
18 the certificate of any corporation which fails to file a
19 return, or to pay the tax, penalty or interest shown in a filed
20 return, or to pay any final assessment of tax, penalty or
21 interest, as required by any tax Act administered by the
22 Illinois Department of Revenue, until such time as the
23 requirements of any such tax Act are satisfied.

24 (Source: P.A. 85-1222.)

1 (805 ILCS 15/11) (from Ch. 32, par. 641)

2 Sec. 11. Before any certificate of registration is
3 suspended or revoked, the holder shall be given written notice
4 of the proposed action and the reasons therefor, and shall be
5 given a public hearing by the Department with the right to
6 produce testimony concerning the charges made. The notice shall
7 also state the place and date of the hearing which shall be at
8 least 10 ~~5~~ days after service of said notice.

9 (Source: Laws 1963, p. 3513.)

10 (805 ILCS 15/12) (from Ch. 32, par. 642)

11 Sec. 12. The provisions of the Administrative Review Law,
12 as heretofore or hereafter amended, and all rules adopted
13 pursuant thereto, shall apply to and govern all proceedings for
14 the judicial review of final administrative decisions of the
15 Department hereunder. The term "administrative decision" is
16 defined as in Section 3-101 of the Code of Civil Procedure.

17 The proceedings for judicial review shall be commenced in
18 the circuit court of the county in which the party applying for
19 review is located. If the party is not currently located in
20 Illinois, the venue shall be in Sangamon County. The Department
21 shall not be required to certify any record to the court or
22 file any answer in court or otherwise appear in any court in a
23 judicial review proceeding, unless and until the Department has
24 received from the plaintiff payment of the costs of furnishing
25 and certifying the record, which costs shall be determined by

1 the Department. Exhibits shall be certified without cost.
2 Failure on the part of the plaintiff to file a receipt in court
3 is grounds for dismissal of the action.

4 (Source: P.A. 82-783.)

5 (805 ILCS 15/13) (from Ch. 32, par. 643)

6 Sec. 13. (a) All of the officers, directors and
7 shareholders of a corporation subject to this Act shall at all
8 times be persons licensed pursuant to the Medical Practice Act
9 of 1987. No person who is not so licensed shall have any part
10 in the ownership, management, or control of such corporation,
11 nor may any proxy to vote any shares of such corporation be
12 given to a person who is not so licensed. Notwithstanding any
13 provisions to the contrary in the "Business Corporation Act of
14 1983", as now or hereafter amended, if all of the shares of a
15 corporation subject to this Act are owned by one shareholder,
16 the office of president and secretary may be held by the same
17 person.

18 (b) No corporation may issue any of its capital stock to
19 anyone other than an individual who is duly licensed under the
20 Medical Practice Act of 1987. No shareholder shall enter into a
21 voting trust agreement or any other type of agreement vesting
22 another person with the authority to exercise the voting power
23 of any of his or her stock.

24 (c) A corporation may, for purposes of dissolution, have as
25 its shareholders, directors, officers, agents, and employees

1 individuals who are not licensed under the Medical Practice Act
2 of 1987, provided that the corporation does not render any
3 medical services nor hold itself out as capable of or available
4 to render medical services during the period of dissolution.
5 The Department shall not issue or renew any certificate of
6 authority to a corporation during the period of dissolution. A
7 copy of the certificate of dissolution, as issued by the
8 Secretary of State, shall be delivered to the Department within
9 30 days after its receipt by the incorporators.

10 (Source: P.A. 85-1209.)

11 (805 ILCS 15/13.5 new)

12 Sec. 13.5. Notice of violation. Whenever the Department has
13 reason to believe a corporation has opened, operated, or
14 maintained an establishment for any of the purposes for which a
15 corporation may be organized under this Act without a
16 certificate of registration from the Department, the
17 Department may issue a notice of violation to the corporation.
18 The notice of violation shall provide a period of 30 days from
19 the date of the notice to either file an answer to the
20 satisfaction of the Department or submit an application for
21 registration in compliance with this Act, including payment of
22 the \$50 application fee and a late fee of \$100 for each year
23 that the corporation opened, operated, or maintained an
24 establishment for any of the purposes for which a corporation
25 may be organized under this Act without having been issued a

1 certification of registration, with a maximum late fee of \$500.
2 If the corporation that is the subject of the notice of
3 violation fails to respond, fails to respond to the
4 satisfaction of the Department, or fails to submit an
5 application for registration, the Department may institute
6 disciplinary proceedings against the corporation and may
7 impose a civil penalty up to \$1,000 for violation of this Act
8 after affording the corporation a hearing in conformance with
9 the requirements of this Act.

10 (805 ILCS 15/15) (from Ch. 32, par. 645)

11 Sec. 15. Each individual shareholder, director, officer,
12 agent, or employee licensed pursuant to the Medical Practice
13 Act of 1987 who is employed by a corporation subject to this
14 Act shall remain subject to ~~reprimand or~~ discipline for his
15 conduct under the provisions of the Medical Practice Act of
16 1987.

17 (Source: P.A. 85-1209.)

18 (805 ILCS 15/16.5 new)

19 Sec. 16.5. Confidentiality. All information collected by
20 the Department in the course of an examination or investigation
21 of a holder of a certificate of registration or an applicant,
22 including, but not limited to, any complaint against a holder
23 of a certificate of registration filed with the Department and
24 information collected to investigate any such complaint, shall

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

14 Section 975. The Limited Liability Company Act is amended
15 by changing Sections 1-10, 1-25, 1-28, 5-5, and 5-55 as
16 follows:

17 (805 ILCS 180/1-10)

18 Sec. 1-10. Limited liability company name.

19 (a) The name of each limited liability company or foreign
20 limited liability company organized, existing, or subject to
21 the provisions of this Act:

22 (1) shall contain the terms "limited liability
23 company", "L.L.C.", or "LLC", or, if organized as a
24 low-profit limited liability company under Section 1-26 of

1 this Act, shall contain the term "L3C";

2 (2) may not contain a word or phrase, or an
3 abbreviation or derivation thereof, the use of which is
4 prohibited or restricted by any other statute of this State
5 unless the restriction has been complied with;

6 (3) shall consist of letters of the English alphabet,
7 Arabic or Roman numerals, or symbols capable of being
8 readily reproduced by the Office of the Secretary of State;

9 (4) shall not contain any of the following terms:
10 "Corporation," "Corp.," "Incorporated," "Inc.," "Ltd.,"
11 "Co.," "Limited Partnership" or "L.P.";

12 (5) shall be the name under which the limited liability
13 company transacts business in this State unless the limited
14 liability company also elects to adopt an assumed name or
15 names as provided in this Act; provided, however, that the
16 limited liability company may use any divisional
17 designation or trade name without complying with the
18 requirements of this Act, provided the limited liability
19 company also clearly discloses its name;

20 (6) shall not contain any word or phrase that indicates
21 or implies that the limited liability company is authorized
22 or empowered to be in the business of a corporate fiduciary
23 unless otherwise permitted by the Secretary of Financial
24 and Professional Regulation ~~Commissioner of the Office of~~
25 ~~Banks and Real Estate~~ under Section 1-9 of the Corporate
26 Fiduciary Act. The word "trust", "trustee", or "fiduciary"

1 may be used by a limited liability company only if it has
2 first complied with Section 1-9 of the Corporate Fiduciary
3 Act; and

4 (7) shall contain the word "trust", if it is a limited
5 liability company organized for the purpose of accepting
6 and executing trusts. ~~and~~

7 ~~(8) shall not, as to any limited liability company~~
8 ~~organized or amending its company name on or after April 3,~~
9 ~~2009 (the effective date of Public Act 96-7), without the~~
10 ~~express written consent of the United States Olympic~~
11 ~~Committee, contain the words: (i) "Olympic"; (ii)~~
12 ~~"Olympiad"; (iii) "Paralympic"; (iv) "Paralympiad"; (v)~~
13 ~~"Citius Altius Fortius"; or (vi) "CHICOG".~~

14 (b) Nothing in this Section or Section 1-20 shall abrogate
15 or limit the common law or statutory law of unfair competition
16 or unfair trade practices, nor derogate from the common law or
17 principles of equity or the statutes of this State or of the
18 United States of America with respect to the right to acquire
19 and protect copyrights, trade names, trademarks, service
20 marks, service names, or any other right to the exclusive use
21 of names or symbols.

22 (c) (Blank).

23 (d) The name shall be distinguishable upon the records in
24 the Office of the Secretary of State from all of the following:

25 (1) Any limited liability company that has articles of
26 organization filed with the Secretary of State under

1 Section 5-5.

2 (2) Any foreign limited liability company admitted to
3 transact business in this State.

4 (3) Any name for which an exclusive right has been
5 reserved in the Office of the Secretary of State under
6 Section 1-15.

7 (4) Any assumed name that is registered with the
8 Secretary of State under Section 1-20.

9 (5) Any corporate name or assumed corporate name of a
10 domestic or foreign corporation subject to the provisions
11 of Section 4.05 of the Business Corporation Act of 1983 or
12 Section 104.05 of the General Not For Profit Corporation
13 Act of 1986.

14 (e) The provisions of subsection (d) of this Section shall
15 not apply if the organizer files with the Secretary of State a
16 certified copy of a final decree of a court of competent
17 jurisdiction establishing the prior right of the applicant to
18 the use of that name in this State.

19 (f) The Secretary of State shall determine whether a name
20 is "distinguishable" from another name for the purposes of this
21 Act. Without excluding other names that may not constitute
22 distinguishable names in this State, a name is not considered
23 distinguishable, for purposes of this Act, solely because it
24 contains one or more of the following:

25 (1) The word "limited", "liability" or "company" or an
26 abbreviation of one of those words.

1 (2) Articles, conjunctions, contractions,
2 abbreviations, or different tenses or number of the same
3 word.

4 (Source: P.A. 98-720, eff. 7-16-14.)

5 (805 ILCS 180/1-25)

6 Sec. 1-25. Nature of business.

7 (a) A limited liability company may be formed for any
8 lawful purpose or business except:

9 (1) (blank);

10 (2) insurance unless, for the purpose of carrying on
11 business as a member of a group including incorporated and
12 individual unincorporated underwriters, the Director of
13 Insurance finds that the group meets the requirements of
14 subsection (3) of Section 86 of the Illinois Insurance Code
15 and the limited liability company, if insolvent, is subject
16 to liquidation by the Director of Insurance under Article
17 XIII of the Illinois Insurance Code;

18 (3) the practice of dentistry unless all the members
19 and managers are licensed as dentists under the Illinois
20 Dental Practice Act; ~~or~~

21 (4) the practice of medicine unless all the managers,
22 if any, are licensed to practice medicine under the Medical
23 Practice Act of 1987 and each member is either:

24 (A) licensed to practice medicine under the
25 Medical Practice Act of 1987; or

1 (B) a registered medical corporation or
2 corporations organized pursuant to the Medical
3 Corporation Act; or

4 (C) a professional corporation organized pursuant
5 to the Professional Service Corporation Act of
6 physicians licensed to practice under the Medical
7 Practice Act of 1987; ~~or~~

8 (C-5) a hospital or hospital affiliate as defined
9 in Section 10.8 of the Hospital Licensing Act; or

10 (D) a limited liability company that satisfies the
11 requirements of subparagraph (A), (B), ~~or~~ (C), or
12 (C-5);

13 (5) the practice of real estate unless all the
14 managers, if any, or every member in a member-managed
15 company are licensed to practice as a managing broker or
16 broker pursuant to the Real Estate License Act of 2000;

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

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

25 (8) the practice of marriage and family therapy unless
26 all the managers and members are licensed to practice as a

1 marriage and family therapist under the Marriage and Family
2 Therapy Licensing Act;

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

8 (10) the practice of sex offender evaluations unless
9 all the managers and members are licensed to practice as a
10 sex offender evaluator under the Sex Offender Evaluation
11 and Treatment Provider Act; or

12 (11) the practice of veterinary medicine unless all the
13 managers and members are licensed to practice as a
14 veterinarian under the Veterinary Medicine and Surgery
15 Practice Act of 2004.

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

23 (1) the practice of medicine by physicians licensed
24 under the Medical Practice Act of 1987, the practice of
25 podiatry by podiatrists licensed under the Podiatric
26 Medical Practice Act of 1987, the practice of dentistry by

1 dentists licensed under the Illinois Dental Practice Act,
2 and the practice of optometry by optometrists licensed
3 under the Illinois Optometric Practice Act of 1987; or

4 (2) the practice of clinical psychology by clinical
5 psychologists licensed under the Clinical Psychologist
6 Licensing Act, the practice of social work by clinical
7 social workers or social workers licensed under the
8 Clinical Social Work and Social Work Practice Act, the
9 practice of marriage and family counseling by marriage and
10 family therapists licensed under the Marriage and Family
11 Therapy Licensing Act, the practice of professional
12 counseling by professional counselors and clinical
13 professional counselors licensed under the Professional
14 Counselor and Clinical Professional Counselor Licensing
15 and Practice Act, and the practice of sex offender
16 evaluations by sex offender evaluators licensed under the
17 Sex Offender Evaluation and Treatment Provider Act.

18 (c) Professional limited liability companies may be
19 organized under this Act.

20 (Source: P.A. 95-331, eff. 8-21-07; 95-738, eff. 1-1-09.)

21 (805 ILCS 180/1-28)

22 Sec. 1-28. Certificate of Registration; Department of
23 Financial and Professional Regulation. This Section applies
24 only to a limited liability company that intends to provide, or
25 does provide, professional services that require the

1 individuals engaged in the profession to be licensed by the
2 Department of Financial and Professional Regulation. A limited
3 liability company covered by this Section shall not open,
4 operate, or maintain an establishment for any of the purposes
5 for which a limited liability company may be organized under
6 this Act without obtaining a certificate of registration from
7 the Department pursuant to the Professional Limited Liability
8 Company Act.

9 ~~Application for such registration shall be made in writing~~
10 ~~and shall contain the name and address of the limited liability~~
11 ~~company and such other information as may be required by the~~
12 ~~Department. Upon receipt of such application, the Department~~
13 ~~shall make an investigation of the limited liability company.~~
14 ~~If the Department finds that the organizers, managers, and~~
15 ~~members are each licensed pursuant to the laws of Illinois to~~
16 ~~engage in the particular profession or related professions~~
17 ~~involved (except that an initial organizer may be a licensed~~
18 ~~attorney) and if no disciplinary action is pending before the~~
19 ~~Department against any of them and if it appears that the~~
20 ~~limited liability company will be conducted in compliance with~~
21 ~~the law and the rules and regulations of the Department, the~~
22 ~~Department shall issue, upon payment of a registration fee of~~
23 ~~\$50, a certificate of registration.~~

24 ~~Upon written application of the holder, the Department~~
25 ~~shall renew the certificate if it finds that the limited~~
26 ~~liability company has complied with its regulations and the~~

~~provisions of this Act and the applicable licensing Act. This fee for the renewal of a certificate of registration shall be calculated at the rate of \$40 per year. The certificate of registration shall be conspicuously posted upon the premises to which it is applicable, and the limited liability company shall have only those offices which are designated by street address in the articles of organization, or as changed by amendment of such articles. A certificate of registration shall not be assignable.~~

~~All fees collected under this Section shall be deposited into the General Professions Dedicated Fund.~~

(Source: P.A. 96-679, eff. 8-25-09; 96-984, eff. 1-1-11; 96-1000, eff. 7-2-10.)

(805 ILCS 180/5-5)

Sec. 5-5. Articles of organization.

(a) The articles of organization shall set forth all of the following:

(1) The name of the limited liability company and the address of its principal place of business which may, but need not be a place of business in this State.

(2) The purposes for which the limited liability company is organized, which may be stated to be, or to include, the transaction of any or all lawful businesses for which limited liability companies may be organized under this Act.

1 (3) The name of its registered agent and the address of
2 its registered office.

3 (4) If the limited liability company is to be managed
4 by a manager or managers, the names and business addresses
5 of the initial manager or managers.

6 (5) If management of the limited liability company is
7 to be vested in the members under Section 15-1, then the
8 names and addresses of the initial member or members.

9 (5.5) The duration of the limited liability company,
10 which shall be perpetual unless otherwise stated.

11 (6) (Blank).

12 (7) The name and address of each organizer.

13 (8) Any other provision, not inconsistent with law,
14 that the members elect to set out in the articles of
15 organization for the regulation of the internal affairs of
16 the limited liability company, including any provisions
17 that, under this Act, are required or permitted to be set
18 out in the operating agreement of the limited liability
19 company.

20 (b) A limited liability company is organized at the time
21 articles of organization are filed by the Secretary of State or
22 at any later time, not more than 60 days after the filing of
23 the articles of organization, specified in the articles of
24 organization.

25 (c) Articles of organization for the organization of a
26 limited liability company for the purpose of accepting and

1 executing trusts shall not be filed by the Secretary of State
2 until there is delivered to him or her a statement executed by
3 the Secretary of Financial and Professional Regulation
4 ~~Commissioner of the Office of Banks and Real Estate~~ that the
5 organizers of the limited liability company have made
6 arrangements with the Secretary of Financial and Professional
7 Regulation ~~Commissioner of the Office of Banks and Real Estate~~
8 to comply with the Corporate Fiduciary Act.

9 (d) Articles of organization for the organization of a
10 limited liability company as a bank or a savings bank must be
11 filed with the Department of Financial and Professional
12 Regulation ~~Commissioner of Banks and Real Estate~~ or, if the
13 bank or savings bank will be organized under federal law, with
14 the appropriate federal banking regulator.

15 (Source: P.A. 98-171, eff. 8-5-13.)

16 (805 ILCS 180/5-55)

17 Sec. 5-55. Filing in Office of Secretary of State.

18 (a) Whenever any provision of this Act requires a limited
19 liability company to file any document with the Office of the
20 Secretary of State, the requirement means that:

21 (1) the original document, executed as described in
22 Section 5-45, and, if required by this Act to be filed in
23 duplicate, one copy (which may be a signed carbon or
24 photocopy) shall be delivered to the Office of the
25 Secretary of State;

1 (2) all fees and charges authorized by law to be
2 collected by the Secretary of State in connection with the
3 filing of the document shall be tendered to the Secretary
4 of State; and

5 (3) unless the Secretary of State finds that the
6 document does not conform to law, he or she shall, when all
7 fees have been paid:

8 (A) endorse on the original and on the copy the
9 word "Filed" and the month, day, and year of the filing
10 thereof;

11 (B) file in his or her office the original of the
12 document; and

13 (C) return the copy to the person who filed it or
14 to that person's representative.

15 (b) If another Section of this Act specifically prescribes
16 a manner of filing or signing a specified document that differs
17 from the corresponding provisions of this Section, then the
18 provisions of the other Section shall govern.

19 (c) Whenever any provision of this Act requires a limited
20 liability company that is a bank or a savings bank to file any
21 document, that requirement means that the filing shall be made
22 exclusively with the Department of Financial and Professional
23 Regulation ~~Commissioner of Banks and Real Estate~~ or, if the
24 bank or savings bank is organized under federal law, with the
25 appropriate federal banking regulator at such times and in such
26 manner as required by the Department ~~Commissioner~~ or federal

1 regulator.

2 (Source: P.A. 92-33, eff. 7-1-01; 93-561, eff. 1-1-04.)

3 Section 999. Effective date. This Act takes effect upon
4 becoming law.