



Rep. David B. Reis

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LRB100 04580 SMS 23529 a

1 AMENDMENT TO HOUSE BILL 1969

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1969 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Sections 4.30, 4.32, 4.33, 4.34, and 4.36 as follows:

6 (5 ILCS 80/4.30)

7 Sec. 4.30. Acts repealed on January 1, 2020. The following  
8 Acts are repealed on January 1, 2020:

9 The Auction License Act.

10 The Community Association Manager Licensing and  
11 Disciplinary Act.

12 The Illinois Architecture Practice Act of 1989.

13 The Illinois Landscape Architecture Act of 1989.

14 The Illinois Professional Land Surveyor Act of 1989.

15 ~~The Land Sales Registration Act of 1999.~~

16 The Orthotics, Prosthetics, and Pedorthics Practice Act.

1 The Perfusionist Practice Act.

2 The Professional Engineering Practice Act of 1989.

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 (Source: P.A. 96-610, eff. 8-24-09; 96-626, eff. 8-24-09;  
6 96-682, eff. 8-25-09; 96-726, eff. 7-1-10; 96-730, eff.  
7 8-25-09; 96-855, eff. 12-31-09; 96-856, eff. 12-31-09;  
8 96-1000, eff. 7-2-10.)

9 (5 ILCS 80/4.32)

10 Sec. 4.32. Acts repealed on January 1, 2022. The following  
11 Acts are repealed on January 1, 2022:

12 The Boxing and Full-contact Martial Arts Act.

13 The Collateral Recovery Act.

14 ~~The Detection of Deception Examiners Act.~~

15 The Home Inspector License Act.

16 ~~The Interior Design Title Act.~~

17 The Massage Licensing Act.

18 The Petroleum Equipment Contractors Licensing Act.

19 The Real Estate Appraiser Licensing Act of 2002.

20 The Water Well and Pump Installation Contractor's License  
21 Act.

22 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;  
23 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.  
24 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598,  
25 eff. 8-26-11; 97-602, eff. 8-26-11; 97-813, eff. 7-13-12.)

1 (5 ILCS 80/4.33)

2 Sec. 4.33. Acts repealed on January 1, 2023. The following  
3 Acts are repealed on January 1, 2023:

4 The Dietitian Nutritionist Practice Act.

5 The Elevator Safety and Regulation Act.

6 The Fire Equipment Distributor and Employee Regulation Act  
7 of 2011.

8 The Funeral Directors and Embalmers Licensing Code.

9 ~~The Naprapathic Practice Act.~~

10 The Professional Counselor and Clinical Professional  
11 Counselor Licensing and Practice Act.

12 The Wholesale Drug Distribution Licensing Act.

13 (Source: P.A. 97-706, eff. 6-25-12; 97-778, eff. 7-13-12;  
14 97-804, eff. 1-1-13; 97-979, eff. 8-17-12; 97-1048, eff.  
15 8-22-12; 97-1130, eff. 8-28-12; 97-1141, eff. 12-28-12.)

16 (5 ILCS 80/4.34)

17 Sec. 4.34. Acts and Section repealed on January 1, 2024.  
18 The following Acts and Section of an Act are repealed on  
19 January 1, 2024:

20 The Electrologist Licensing Act.

21 The Illinois Certified Shorthand Reporters Act of  
22 1984.

23 The Illinois Occupational Therapy Practice Act.

24 The Illinois Public Accounting Act.

1           The Private Detective, Private Alarm, Private  
2 Security, Fingerprint Vendor, and Locksmith Act of 2004.

3           ~~The Registered Surgical Assistant and Registered~~  
4 ~~Surgical Technologist Title Protection Act.~~

5           Section 2.5 of the Illinois Plumbing License Law.

6           The Veterinary Medicine and Surgery Practice Act of  
7 2004.

8           (Source: P.A. 98-140, eff. 12-31-13; 98-253, eff. 8-9-13;  
9 98-254, eff. 8-9-13; 98-264, eff. 12-31-13; 98-339, eff.  
10 12-31-13; 98-363, eff. 8-16-13; 98-364, eff. 12-31-13; 98-445,  
11 eff. 12-31-13; 98-756, eff. 7-16-14.)

12           (5 ILCS 80/4.36)

13           Sec. 4.36. Acts repealed on January 1, 2026. The following  
14 Acts are repealed on January 1, 2026:

15           The Barber, Cosmetology, Esthetics, ~~Hair Braiding~~, and  
16 Nail Technology Act of 1985.

17           The Collection Agency Act.

18           The Hearing Instrument Consumer Protection Act.

19           The Illinois Athletic Trainers Practice Act.

20           The Illinois Dental Practice Act.

21           ~~The Illinois Roofing Industry Licensing Act.~~

22           The Illinois Physical Therapy Act.

23           ~~The Professional Geologist Licensing Act.~~

24           The Respiratory Care Practice Act.

25           (Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15;

1 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15;  
2 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; 99-492, eff.  
3 12-31-15; 99-642, eff. 7-28-16.)

4 Section 10. The Illinois Insurance Code is amended by  
5 changing Sections 370b.1 and 1003 as follows:

6 (215 ILCS 5/370b.1)

7 Sec. 370b.1. Surgical assistant payments. Payment for  
8 services rendered by a ~~registered~~ surgical assistant,~~as~~  
9 ~~defined in the Registered Surgical Assistant and Registered~~  
10 ~~Surgical Technologist Title Protection Act,~~ who is neither an  
11 employee of an ambulatory surgical treatment center, as defined  
12 in the Ambulatory Surgical Treatment Center Act, nor an  
13 employee of a hospital shall be paid at the appropriate  
14 non-physician modifier rate if the payor would have made  
15 payment had the same services been provided by a physician.

16 As used in this Section, "surgical assistant" means a  
17 person who (i) is not licensed to practice medicine in all of  
18 its branches, (ii) is certified by the National Surgical  
19 Assistant Association as a Certified Surgical Assistant, the  
20 National Board of Surgical Technology and Surgical Assisting as  
21 a Certified Surgical First Assistant, or the American Board of  
22 Surgical Assistants as a Surgical Assistant-Certified, (iii)  
23 performs duties under direct supervision, and (iv) provides  
24 services only in a licensed hospital, ambulatory treatment

1 center, or office of a physician licensed to practice medicine  
2 in all its branches.

3 (Source: P.A. 99-100, eff. 1-1-16.)

4 (215 ILCS 5/1003) (from Ch. 73, par. 1065.703)

5 Sec. 1003. Definitions. As used in this Article:

6 (A) "Adverse underwriting decision" means:

7 (1) any of the following actions with respect to  
8 insurance transactions involving insurance coverage which  
9 is individually underwritten:

10 (a) a declination of insurance coverage,

11 (b) a termination of insurance coverage,

12 (c) failure of an agent to apply for insurance  
13 coverage with a specific insurance institution which  
14 the agent represents and which is requested by an  
15 applicant,

16 (d) in the case of a property or casualty insurance  
17 coverage:

18 (i) placement by an insurance institution or  
19 agent of a risk with a residual market mechanism,  
20 an unauthorized insurer or an insurance  
21 institution which specializes in substandard  
22 risks, or

23 (ii) the charging of a higher rate on the basis  
24 of information which differs from that which the  
25 applicant or policyholder furnished, or

1           (e) in the case of life, health or disability  
2 insurance coverage, an offer to insure at higher than  
3 standard rates.

4           (2) Notwithstanding paragraph (1) above, the following  
5 actions shall not be considered adverse underwriting  
6 decisions but the insurance institution or agent  
7 responsible for their occurrence shall nevertheless  
8 provide the applicant or policyholder with the specific  
9 reason or reasons for their occurrence:

10           (a) the termination of an individual policy form on  
11 a class or statewide basis,

12           (b) a declination of insurance coverage solely  
13 because such coverage is not available on a class or  
14 statewide basis, or

15           (c) the rescission of a policy.

16           (B) "Affiliate" or "affiliated" means a person that  
17 directly, or indirectly through one or more intermediaries,  
18 controls, is controlled by or is under common control with  
19 another person.

20           (C) "Agent" means an individual, firm, partnership,  
21 association or corporation who is involved in the solicitation,  
22 negotiation or binding of coverages for or on applications or  
23 policies of insurance, covering property or risks located in  
24 this State. For the purposes of this Article, both "Insurance  
25 Agent" and "Insurance Broker", as defined in Section 490, shall  
26 be considered an agent.

1 (D) "Applicant" means any person who seeks to contract for  
2 insurance coverage other than a person seeking group insurance  
3 that is not individually underwritten.

4 (E) "Director" means the Director of Insurance.

5 (F) "Consumer report" means any written, oral or other  
6 communication of information bearing on a natural person's  
7 credit worthiness, credit standing, credit capacity,  
8 character, general reputation, personal characteristics or  
9 mode of living which is used or expected to be used in  
10 connection with an insurance transaction.

11 (G) "Consumer reporting agency" means any person who:

12 (1) regularly engages, in whole or in part, in the  
13 practice of assembling or preparing consumer reports for a  
14 monetary fee,

15 (2) obtains information primarily from sources other  
16 than insurance institutions, and

17 (3) furnishes consumer reports to other persons.

18 (H) "Control", including the terms "controlled by" or  
19 "under common control with", means the possession, direct or  
20 indirect, of the power to direct or cause the direction of the  
21 management and policies of a person, whether through the  
22 ownership of voting securities, by contract other than a  
23 commercial contract for goods or nonmanagement services, or  
24 otherwise, unless the power is the result of an official  
25 position with or corporate office held by the person.

26 (I) "Declination of insurance coverage" means a denial, in



1 whole or in part, by an insurance institution or agent of  
2 requested insurance coverage.

3 (J) "Individual" means any natural person who:

4 (1) in the case of property or casualty insurance, is a  
5 past, present or proposed named insured or  
6 certificateholder;

7 (2) in the case of life, health or disability  
8 insurance, is a past, present or proposed principal insured  
9 or certificateholder;

10 (3) is a past, present or proposed policyowner;

11 (4) is a past or present applicant;

12 (5) is a past or present claimant; or

13 (6) derived, derives or is proposed to derive insurance  
14 coverage under an insurance policy or certificate subject  
15 to this Article.

16 (K) "Institutional source" means any person or  
17 governmental entity that provides information about an  
18 individual to an agent, insurance institution or  
19 insurance-support organization, other than:

20 (1) an agent,

21 (2) the individual who is the subject of the  
22 information, or

23 (3) a natural person acting in a personal capacity  
24 rather than in a business or professional capacity.

25 (L) "Insurance institution" means any corporation,  
26 association, partnership, reciprocal exchange, inter-insurer,

1 Lloyd's insurer, fraternal benefit society or other person  
2 engaged in the business of insurance, health maintenance  
3 organizations as defined in Section 2 of the Health Maintenance  
4 Organization Act, voluntary health services plans as defined in  
5 Section 2 of the Voluntary Health Services Plans Act, and  
6 dental service plans as defined in Section 4 of the Dental  
7 Service Plan Act. "Insurance institution" shall not include  
8 agents or insurance-support organizations.

9 (M) "Insurance-support organization" means:

10 (1) any person who regularly engages, in whole or in  
11 part, in the practice of assembling or collecting  
12 information about natural persons for the primary purpose  
13 of providing the information to an insurance institution or  
14 agent for insurance transactions, including:

15 (a) the furnishing of consumer reports or  
16 investigative consumer reports to an insurance  
17 institution or agent for use in connection with an  
18 insurance transaction, or

19 (b) the collection of personal information from  
20 insurance institutions, agents or other  
21 insurance-support organizations for the purpose of  
22 detecting or preventing fraud, material  
23 misrepresentation or material nondisclosure in  
24 connection with insurance underwriting or insurance  
25 claim activity.

26 (2) Notwithstanding paragraph (1) above, the following

1 persons shall not be considered "insurance-support  
2 organizations" for purposes of this Article: agents,  
3 government institutions, insurance institutions, medical  
4 care institutions and medical professionals.

5 (N) "Insurance transaction" means any transaction  
6 involving insurance primarily for personal, family or  
7 household needs rather than business or professional needs  
8 which entails:

9 (1) the determination of an individual's eligibility  
10 for an insurance coverage, benefit or payment, or

11 (2) the servicing of an insurance application, policy,  
12 contract or certificate.

13 (O) "Investigative consumer report" means a consumer  
14 report or portion thereof in which information about a natural  
15 person's character, general reputation, personal  
16 characteristics or mode of living is obtained through personal  
17 interviews with the person's neighbors, friends, associates,  
18 acquaintances or others who may have knowledge concerning such  
19 items of information.

20 (P) "Medical-care institution" means any facility or  
21 institution that is licensed to provide health care services to  
22 natural persons, including but not limited to: hospitals,  
23 skilled nursing facilities, home-health agencies, medical  
24 clinics, rehabilitation agencies and public-health agencies  
25 and health-maintenance organizations.

26 (Q) "Medical professional" means any person licensed or

1 certified to provide health care services to natural persons,  
2 including, but not limited to, a physician, dentist, nurse,  
3 optometrist, chiropractor, ~~naprapath~~, pharmacist, physical or  
4 occupational therapist, psychiatric social worker, speech  
5 therapist, clinical dietitian, or clinical psychologist.

6 (R) "Medical-record information" means personal  
7 information which:

8 (1) relates to an individual's physical or mental  
9 condition, medical history or medical treatment, and

10 (2) is obtained from a medical professional or  
11 medical-care institution, from the individual, or from the  
12 individual's spouse, parent or legal guardian.

13 (S) "Person" means any natural person, corporation,  
14 association, partnership or other legal entity.

15 (T) "Personal information" means any individually  
16 identifiable information gathered in connection with an  
17 insurance transaction from which judgments can be made about an  
18 individual's character, habits, avocations, finances,  
19 occupation, general reputation, credit, health or any other  
20 personal characteristics. "Personal information" includes an  
21 individual's name and address and "medical-record information"  
22 but does not include "privileged information".

23 (U) "Policyholder" means any person who:

24 (1) in the case of individual property or casualty  
25 insurance, is a present named insured;

26 (2) in the case of individual life, health or

1 disability insurance, is a present policyowner; or

2 (3) in the case of group insurance which is  
3 individually underwritten, is a present group  
4 certificateholder.

5 (V) "Pretext interview" means an interview whereby a  
6 person, in an attempt to obtain information about a natural  
7 person, performs one or more of the following acts:

8 (1) pretends to be someone he or she is not,

9 (2) pretends to represent a person he or she is not in  
10 fact representing,

11 (3) misrepresents the true purpose of the interview, or

12 (4) refuses to identify himself or herself upon  
13 request.

14 (W) "Privileged information" means any individually  
15 identifiable information that: (1) relates to a claim for  
16 insurance benefits or a civil or criminal proceeding involving  
17 an individual, and (2) is collected in connection with or in  
18 reasonable anticipation of a claim for insurance benefits or  
19 civil or criminal proceeding involving an individual;  
20 provided, however, information otherwise meeting the  
21 requirements of this subsection shall nevertheless be  
22 considered "personal information" under this Article if it is  
23 disclosed in violation of Section 1014 of this Article.

24 (X) "Residual market mechanism" means an association,  
25 organization or other entity described in Article XXXIII of  
26 this Act, or Section 7-501 of The Illinois Vehicle Code.

1           (Y) "Termination of insurance coverage" or "termination of  
2 an insurance policy" means either a cancellation or nonrenewal  
3 of an insurance policy, in whole or in part, for any reason  
4 other than the failure to pay a premium as required by the  
5 policy.

6           (Z) "Unauthorized insurer" means an insurance institution  
7 that has not been granted a certificate of authority by the  
8 Director to transact the business of insurance in this State.

9           (Source: P.A. 90-7, eff. 6-10-97; 90-177, eff. 7-23-97; 90-372,  
10 eff. 7-1-98; 90-655, eff. 7-30-98.)

11           Section 15. The Comprehensive Health Insurance Plan Act is  
12 amended by changing Section 8 as follows:

13           (215 ILCS 105/8) (from Ch. 73, par. 1308)

14           Sec. 8. Minimum benefits.

15           a. Availability. The Plan shall offer in a periodically  
16 renewable policy major medical expense coverage to every  
17 eligible person who is not eligible for Medicare. Major medical  
18 expense coverage offered by the Plan shall pay an eligible  
19 person's covered expenses, subject to limit on the deductible  
20 and coinsurance payments authorized under paragraph (4) of  
21 subsection d of this Section, up to a lifetime benefit limit of  
22 \$5,000,000. The maximum limit under this subsection shall not  
23 be altered by the Board, and no actuarial equivalent benefit  
24 may be substituted by the Board. Any person who otherwise would

1 qualify for coverage under the Plan, but is excluded because he  
2 or she is eligible for Medicare, shall be eligible for any  
3 separate Medicare supplement policy or policies which the Board  
4 may offer.

5 b. Outline of benefits. Covered expenses shall be limited  
6 to the usual and customary charge, including negotiated fees,  
7 in the locality for the following services and articles when  
8 prescribed by a physician and determined by the Plan to be  
9 medically necessary for the following areas of services,  
10 subject to such separate deductibles, co-payments, exclusions,  
11 and other limitations on benefits as the Board shall establish  
12 and approve, and the other provisions of this Section:

13 (1) Hospital services, except that any services  
14 provided by a hospital that is located more than 75 miles  
15 outside the State of Illinois shall be covered only for a  
16 maximum of 45 days in any calendar year. With respect to  
17 covered expenses incurred during any calendar year ending  
18 on or after December 31, 1999, inpatient hospitalization of  
19 an eligible person for the treatment of mental illness at a  
20 hospital located within the State of Illinois shall be  
21 subject to the same terms and conditions as for any other  
22 illness.

23 (2) Professional services for the diagnosis or  
24 treatment of injuries, illnesses or conditions, other than  
25 dental and mental and nervous disorders as described in  
26 paragraph (17), which are rendered by a physician, or by

1 other licensed professionals at the physician's direction.  
2 This includes reconstruction of the breast on which a  
3 mastectomy was performed; surgery and reconstruction of  
4 the other breast to produce a symmetrical appearance; and  
5 prostheses and treatment of physical complications at all  
6 stages of the mastectomy, including lymphedemas.

7 (2.5) Professional services provided by a physician to  
8 children under the age of 16 years for physical  
9 examinations and age appropriate immunizations ordered by  
10 a physician licensed to practice medicine in all its  
11 branches.

12 (3) (Blank).

13 (4) Outpatient prescription drugs that by law require a  
14 prescription written by a physician licensed to practice  
15 medicine in all its branches subject to such separate  
16 deductible, copayment, and other limitations or  
17 restrictions as the Board shall approve, including the use  
18 of a prescription drug card or any other program, or both.

19 (5) Skilled nursing services of a licensed skilled  
20 nursing facility for not more than 120 days during a policy  
21 year.

22 (6) Services of a home health agency in accord with a  
23 home health care plan, up to a maximum of 270 visits per  
24 year.

25 (7) Services of a licensed hospice for not more than  
26 180 days during a policy year.



1 (8) Use of radium or other radioactive materials.

2 (9) Oxygen.

3 (10) Anesthetics.

4 (11) Orthoses and prostheses other than dental.

5 (12) Rental or purchase in accordance with Board  
6 policies or procedures of durable medical equipment, other  
7 than eyeglasses or hearing aids, for which there is no  
8 personal use in the absence of the condition for which it  
9 is prescribed.

10 (13) Diagnostic x-rays and laboratory tests.

11 (14) Oral surgery (i) for excision of partially or  
12 completely unerupted impacted teeth when not performed in  
13 connection with the routine extraction or repair of teeth;  
14 (ii) for excision of tumors or cysts of the jaws, cheeks,  
15 lips, tongue, and roof and floor of the mouth; (iii)  
16 required for correction of cleft lip and palate and other  
17 craniofacial and maxillofacial birth defects; or (iv) for  
18 treatment of injuries to natural teeth or a fractured jaw  
19 due to an accident.

20 (15) Physical, speech, and functional occupational  
21 therapy as medically necessary and provided by appropriate  
22 licensed professionals.

23 (16) Emergency and other medically necessary  
24 transportation provided by a licensed ambulance service to  
25 the nearest health care facility qualified to treat a  
26 covered illness, injury, or condition, subject to the

1 provisions of the Emergency Medical Systems (EMS) Act.

2 (17) Outpatient services for diagnosis and treatment  
3 of mental and nervous disorders provided that a covered  
4 person shall be required to make a copayment not to exceed  
5 50% and that the Plan's payment shall not exceed such  
6 amounts as are established by the Board.

7 (18) Human organ or tissue transplants specified by the  
8 Board that are performed at a hospital designated by the  
9 Board as a participating transplant center for that  
10 specific organ or tissue transplant.

11 (19) Naprapathic services, as appropriate, provided by  
12 a ~~licensed~~ naprapathic practitioner.

13 c. Exclusions. Covered expenses of the Plan shall not  
14 include the following:

15 (1) Any charge for treatment for cosmetic purposes  
16 other than for reconstructive surgery when the service is  
17 incidental to or follows surgery resulting from injury,  
18 sickness or other diseases of the involved part or surgery  
19 for the repair or treatment of a congenital bodily defect  
20 to restore normal bodily functions.

21 (2) Any charge for care that is primarily for rest,  
22 custodial, educational, or domiciliary purposes.

23 (3) Any charge for services in a private room to the  
24 extent it is in excess of the institution's charge for its  
25 most common semiprivate room, unless a private room is  
26 prescribed as medically necessary by a physician.

1           (4) That part of any charge for room and board or for  
2 services rendered or articles prescribed by a physician,  
3 dentist, or other health care personnel that exceeds the  
4 reasonable and customary charge in the locality or for any  
5 services or supplies not medically necessary for the  
6 diagnosed injury or illness.

7           (5) Any charge for services or articles the provision  
8 of which is not within the scope of licensure of the  
9 institution or individual providing the services or  
10 articles.

11           (6) Any expense incurred prior to the effective date of  
12 coverage by the Plan for the person on whose behalf the  
13 expense is incurred.

14           (7) Dental care, dental surgery, dental treatment, any  
15 other dental procedure involving the teeth or  
16 periodontium, or any dental appliances, including crowns,  
17 bridges, implants, or partial or complete dentures, except  
18 as specifically provided in paragraph (14) of subsection b  
19 of this Section.

20           (8) Eyeglasses, contact lenses, hearing aids or their  
21 fitting.

22           (9) Illness or injury due to acts of war.

23           (10) Services of blood donors and any fee for failure  
24 to replace the first 3 pints of blood provided to a covered  
25 person each policy year.

26           (11) Personal supplies or services provided by a

1 hospital or nursing home, or any other nonmedical or  
2 nonprescribed supply or service.

3 (12) Routine maternity charges for a pregnancy, except  
4 where added as optional coverage with payment of an  
5 additional premium for pregnancy resulting from conception  
6 occurring after the effective date of the optional  
7 coverage.

8 (13) (Blank).

9 (14) Any expense or charge for services, drugs, or  
10 supplies that are: (i) not provided in accord with  
11 generally accepted standards of current medical practice;  
12 (ii) for procedures, treatments, equipment, transplants,  
13 or implants, any of which are investigational,  
14 experimental, or for research purposes; (iii)  
15 investigative and not proven safe and effective; or (iv)  
16 for, or resulting from, a gender transformation operation.

17 (15) Any expense or charge for routine physical  
18 examinations or tests except as provided in item (2.5) of  
19 subsection b of this Section.

20 (16) Any expense for which a charge is not made in the  
21 absence of insurance or for which there is no legal  
22 obligation on the part of the patient to pay.

23 (17) Any expense incurred for benefits provided under  
24 the laws of the United States and this State, including  
25 Medicare, Medicaid, and other medical assistance, maternal  
26 and child health services and any other program that is

1 administered or funded by the Department of Human Services,  
2 Department of Healthcare and Family Services, or  
3 Department of Public Health, military service-connected  
4 disability payments, medical services provided for members  
5 of the armed forces and their dependents or employees of  
6 the armed forces of the United States, and medical services  
7 financed on behalf of all citizens by the United States.

8 (18) Any expense or charge for in vitro fertilization,  
9 artificial insemination, or any other artificial means  
10 used to cause pregnancy.

11 (19) Any expense or charge for oral contraceptives used  
12 for birth control or any other temporary birth control  
13 measures.

14 (20) Any expense or charge for sterilization or  
15 sterilization reversals.

16 (21) Any expense or charge for weight loss programs,  
17 exercise equipment, or treatment of obesity, except when  
18 certified by a physician as morbid obesity (at least 2  
19 times normal body weight).

20 (22) Any expense or charge for acupuncture treatment  
21 unless used as an anesthetic agent for a covered surgery.

22 (23) Any expense or charge for or related to organ or  
23 tissue transplants other than those performed at a hospital  
24 with a Board approved organ transplant program that has  
25 been designated by the Board as a preferred or exclusive  
26 provider organization for that specific organ or tissue

1 transplant.

2 (24) Any expense or charge for procedures, treatments,  
3 equipment, or services that are provided in special  
4 settings for research purposes or in a controlled  
5 environment, are being studied for safety, efficiency, and  
6 effectiveness, and are awaiting endorsement by the  
7 appropriate national medical specialty college for general  
8 use within the medical community.

9 d. Deductibles and coinsurance.

10 The Plan coverage defined in Section 6 shall provide for a  
11 choice of deductibles per individual as authorized by the  
12 Board. If 2 individual members of the same family household,  
13 who are both covered persons under the Plan, satisfy the same  
14 applicable deductibles, no other member of that family who is  
15 also a covered person under the Plan shall be required to meet  
16 any deductibles for the balance of that calendar year. The  
17 deductibles must be applied first to the authorized amount of  
18 covered expenses incurred by the covered person. A mandatory  
19 coinsurance requirement shall be imposed at the rate authorized  
20 by the Board in excess of the mandatory deductible, the  
21 coinsurance in the aggregate not to exceed such amounts as are  
22 authorized by the Board per annum. At its discretion the Board  
23 may, however, offer catastrophic coverages or other policies  
24 that provide for larger deductibles with or without coinsurance  
25 requirements. The deductibles and coinsurance factors may be  
26 adjusted annually according to the Medical Component of the

1 Consumer Price Index.

2 e. Scope of coverage.

3 (1) In approving any of the benefit plans to be offered  
4 by the Plan, the Board shall establish such benefit levels,  
5 deductibles, coinsurance factors, exclusions, and  
6 limitations as it may deem appropriate and that it believes  
7 to be generally reflective of and commensurate with health  
8 insurance coverage that is provided in the individual  
9 market in this State.

10 (2) The benefit plans approved by the Board may also  
11 provide for and employ various cost containment measures  
12 and other requirements including, but not limited to,  
13 preadmission certification, prior approval, second  
14 surgical opinions, concurrent utilization review programs,  
15 individual case management, preferred provider  
16 organizations, health maintenance organizations, and other  
17 cost effective arrangements for paying for covered  
18 expenses.

19 f. Preexisting conditions.

20 (1) Except for federally eligible individuals  
21 qualifying for Plan coverage under Section 15 of this Act  
22 or eligible persons who qualify for the waiver authorized  
23 in paragraph (3) of this subsection, Plan coverage shall  
24 exclude charges or expenses incurred during the first 6  
25 months following the effective date of coverage as to any  
26 condition for which medical advice, care or treatment was

1 recommended or received during the 6 month period  
2 immediately preceding the effective date of coverage.

3 (2) (Blank).

4 (3) Waiver: The preexisting condition exclusions as  
5 set forth in paragraph (1) of this subsection shall be  
6 waived to the extent to which the eligible person (a) has  
7 satisfied similar exclusions under any prior individual  
8 health insurance policy that was involuntarily terminated  
9 because of the insolvency of the issuer of the policy and  
10 (b) has applied for Plan coverage within 90 days following  
11 the involuntary termination of that individual health  
12 insurance coverage.

13 (4) Waiver: The preexisting condition exclusions as  
14 set forth in paragraph (1) of this subsection shall be  
15 waived to the extent to which the eligible person (a) has  
16 satisfied the exclusion under prior Comprehensive Health  
17 Insurance Plan coverage that was involuntarily terminated  
18 because of meeting a lower lifetime benefit limit and (b)  
19 has reapplied for Plan coverage within 90 days following an  
20 increase in the lifetime benefit limit set forth in Section  
21 8 of this Act.

22 g. Other sources primary; nonduplication of benefits.

23 (1) The Plan shall be the last payor of benefits  
24 whenever any other benefit or source of third party payment  
25 is available. Subject to the provisions of subsection e of  
26 Section 7, benefits otherwise payable under Plan coverage



1 shall be reduced by all amounts paid or payable by Medicare  
2 or any other government program or through any health  
3 insurance coverage or group health plan, whether by  
4 insurance, reimbursement, or otherwise, or through any  
5 third party liability, settlement, judgment, or award,  
6 regardless of the date of the settlement, judgment, or  
7 award, whether the settlement, judgment, or award is in the  
8 form of a contract, agreement, or trust on behalf of a  
9 minor or otherwise and whether the settlement, judgment, or  
10 award is payable to the covered person, his or her  
11 dependent, estate, personal representative, or guardian in  
12 a lump sum or over time, and by all hospital or medical  
13 expense benefits paid or payable under any worker's  
14 compensation coverage, automobile medical payment, or  
15 liability insurance, whether provided on the basis of fault  
16 or nonfault, and by any hospital or medical benefits paid  
17 or payable under or provided pursuant to any State or  
18 federal law or program.

19 (2) The Plan shall have a cause of action against any  
20 covered person or any other person or entity for the  
21 recovery of any amount paid to the extent the amount was  
22 for treatment, services, or supplies not covered in this  
23 Section or in excess of benefits as set forth in this  
24 Section.

25 (3) Whenever benefits are due from the Plan because of  
26 sickness or an injury to a covered person resulting from a

1 third party's wrongful act or negligence and the covered  
2 person has recovered or may recover damages from a third  
3 party or its insurer, the Plan shall have the right to  
4 reduce benefits or to refuse to pay benefits that otherwise  
5 may be payable by the amount of damages that the covered  
6 person has recovered or may recover regardless of the date  
7 of the sickness or injury or the date of any settlement,  
8 judgment, or award resulting from that sickness or injury.

9 During the pendency of any action or claim that is  
10 brought by or on behalf of a covered person against a third  
11 party or its insurer, any benefits that would otherwise be  
12 payable except for the provisions of this paragraph (3)  
13 shall be paid if payment by or for the third party has not  
14 yet been made and the covered person or, if incapable, that  
15 person's legal representative agrees in writing to pay back  
16 promptly the benefits paid as a result of the sickness or  
17 injury to the extent of any future payments made by or for  
18 the third party for the sickness or injury. This agreement  
19 is to apply whether or not liability for the payments is  
20 established or admitted by the third party or whether those  
21 payments are itemized.

22 Any amounts due the Plan to repay benefits may be  
23 deducted from other benefits payable by the Plan after  
24 payments by or for the third party are made.

25 (4) Benefits due from the Plan may be reduced or  
26 refused as an offset against any amount otherwise

1 recoverable under this Section.

2 h. Right of subrogation; recoveries.

3 (1) Whenever the Plan has paid benefits because of  
4 sickness or an injury to any covered person resulting from  
5 a third party's wrongful act or negligence, or for which an  
6 insurer is liable in accordance with the provisions of any  
7 policy of insurance, and the covered person has recovered  
8 or may recover damages from a third party that is liable  
9 for the damages, the Plan shall have the right to recover  
10 the benefits it paid from any amounts that the covered  
11 person has received or may receive regardless of the date  
12 of the sickness or injury or the date of any settlement,  
13 judgment, or award resulting from that sickness or injury.  
14 The Plan shall be subrogated to any right of recovery the  
15 covered person may have under the terms of any private or  
16 public health care coverage or liability coverage,  
17 including coverage under the Workers' Compensation Act or  
18 the Workers' Occupational Diseases Act, without the  
19 necessity of assignment of claim or other authorization to  
20 secure the right of recovery. To enforce its subrogation  
21 right, the Plan may (i) intervene or join in an action or  
22 proceeding brought by the covered person or his personal  
23 representative, including his guardian, conservator,  
24 estate, dependents, or survivors, against any third party  
25 or the third party's insurer that may be liable or (ii)  
26 institute and prosecute legal proceedings against any

1 third party or the third party's insurer that may be liable  
2 for the sickness or injury in an appropriate court either  
3 in the name of the Plan or in the name of the covered  
4 person or his personal representative, including his  
5 guardian, conservator, estate, dependents, or survivors.

6 (2) If any action or claim is brought by or on behalf  
7 of a covered person against a third party or the third  
8 party's insurer, the covered person or his personal  
9 representative, including his guardian, conservator,  
10 estate, dependents, or survivors, shall notify the Plan by  
11 personal service or registered mail of the action or claim  
12 and of the name of the court in which the action or claim  
13 is brought, filing proof thereof in the action or claim.  
14 The Plan may, at any time thereafter, join in the action or  
15 claim upon its motion so that all orders of court after  
16 hearing and judgment shall be made for its protection. No  
17 release or settlement of a claim for damages and no  
18 satisfaction of judgment in the action shall be valid  
19 without the written consent of the Plan to the extent of  
20 its interest in the settlement or judgment and of the  
21 covered person or his personal representative.

22 (3) In the event that the covered person or his  
23 personal representative fails to institute a proceeding  
24 against any appropriate third party before the fifth month  
25 before the action would be barred, the Plan may, in its own  
26 name or in the name of the covered person or personal

1 representative, commence a proceeding against any  
2 appropriate third party for the recovery of damages on  
3 account of any sickness, injury, or death to the covered  
4 person. The covered person shall cooperate in doing what is  
5 reasonably necessary to assist the Plan in any recovery and  
6 shall not take any action that would prejudice the Plan's  
7 right to recovery. The Plan shall pay to the covered person  
8 or his personal representative all sums collected from any  
9 third party by judgment or otherwise in excess of amounts  
10 paid in benefits under the Plan and amounts paid or to be  
11 paid as costs, attorneys fees, and reasonable expenses  
12 incurred by the Plan in making the collection or enforcing  
13 the judgment.

14 (4) In the event that a covered person or his personal  
15 representative, including his guardian, conservator,  
16 estate, dependents, or survivors, recovers damages from a  
17 third party for sickness or injury caused to the covered  
18 person, the covered person or the personal representative  
19 shall pay to the Plan from the damages recovered the amount  
20 of benefits paid or to be paid on behalf of the covered  
21 person.

22 (5) When the action or claim is brought by the covered  
23 person alone and the covered person incurs a personal  
24 liability to pay attorney's fees and costs of litigation,  
25 the Plan's claim for reimbursement of the benefits provided  
26 to the covered person shall be the full amount of benefits

1       paid to or on behalf of the covered person under this Act  
2       less a pro rata share that represents the Plan's reasonable  
3       share of attorney's fees paid by the covered person and  
4       that portion of the cost of litigation expenses determined  
5       by multiplying by the ratio of the full amount of the  
6       expenditures to the full amount of the judgement, award, or  
7       settlement.

8       (6) In the event of judgment or award in a suit or  
9       claim against a third party or insurer, the court shall  
10      first order paid from any judgement or award the reasonable  
11      litigation expenses incurred in preparation and  
12      prosecution of the action or claim, together with  
13      reasonable attorney's fees. After payment of those  
14      expenses and attorney's fees, the court shall apply out of  
15      the balance of the judgment or award an amount sufficient  
16      to reimburse the Plan the full amount of benefits paid on  
17      behalf of the covered person under this Act, provided the  
18      court may reduce and apportion the Plan's portion of the  
19      judgement proportionate to the recovery of the covered  
20      person. The burden of producing evidence sufficient to  
21      support the exercise by the court of its discretion to  
22      reduce the amount of a proven charge sought to be enforced  
23      against the recovery shall rest with the party seeking the  
24      reduction. The court may consider the nature and extent of  
25      the injury, economic and non-economic loss, settlement  
26      offers, comparative negligence as it applies to the case at

1 hand, hospital costs, physician costs, and all other  
2 appropriate costs. The Plan shall pay its pro rata share of  
3 the attorney fees based on the Plan's recovery as it  
4 compares to the total judgment. Any reimbursement rights of  
5 the Plan shall take priority over all other liens and  
6 charges existing under the laws of this State with the  
7 exception of any attorney liens filed under the Attorneys  
8 Lien Act.

9 (7) The Plan may compromise or settle and release any  
10 claim for benefits provided under this Act or waive any  
11 claims for benefits, in whole or in part, for the  
12 convenience of the Plan or if the Plan determines that  
13 collection would result in undue hardship upon the covered  
14 person.

15 (Source: P.A. 96-791, eff. 9-25-09; 96-938, eff. 6-24-10;  
16 97-813, eff. 7-13-12.)

17 Section 20. The Massage Licensing Act is amended by  
18 changing Sections 25 and 30 as follows:

19 (225 ILCS 57/25)

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

21 Sec. 25. Exemptions.

22 (a) This Act does not prohibit a person licensed under any  
23 other Act in this State from engaging in the practice for which  
24 he or she is licensed.

1 (b) Persons exempted under this Section include, but are  
2 not limited to, physicians, podiatric physicians, ~~naprapaths,~~  
3 and physical therapists.

4 (c) Nothing in this Act prohibits qualified members of  
5 other professional groups, including but not limited to nurses,  
6 occupational therapists, cosmetologists, and estheticians,  
7 from performing massage in a manner consistent with their  
8 training and the code of ethics of their respective  
9 professions.

10 (d) Nothing in this Act prohibits a student of an approved  
11 massage school or program from performing massage, provided  
12 that the student does not hold himself or herself out as a  
13 licensed massage therapist and does not receive compensation,  
14 including tips, for massage therapy services.

15 (e) Nothing in this Act prohibits practitioners that do not  
16 involve intentional soft tissue manipulation, including but  
17 not limited to Alexander Technique, Feldenkrais, Reike, and  
18 Therapeutic Touch, from practicing.

19 (f) Practitioners of certain service marked bodywork  
20 approaches that do involve intentional soft tissue  
21 manipulation, including but not limited to Rolfing, Trager  
22 Approach, Polarity Therapy, and Orthobionomy, are exempt from  
23 this Act if they are approved by their governing body based on  
24 a minimum level of training, demonstration of competency, and  
25 adherence to ethical standards.

26 (g) Practitioners of Asian bodywork approaches are exempt



1 from this Act if they are members of the American Organization  
2 of Bodywork Therapies of Asia as certified practitioners or if  
3 they are approved by an Asian bodywork organization based on a  
4 minimum level of training, demonstration of competency, and  
5 adherence to ethical standards set by their governing body.

6 (h) Practitioners of other forms of bodywork who restrict  
7 manipulation of soft tissue to the feet, hands, and ears, and  
8 who do not have the client disrobe, such as reflexology, are  
9 exempt from this Act.

10 (i) Nothing in this Act applies to massage therapists from  
11 other states or countries when providing educational programs  
12 or services for a period not exceeding 30 days within a  
13 calendar year.

14 (j) Nothing in this Act prohibits a person from treating  
15 ailments by spiritual means through prayer alone in accordance  
16 with the tenets and practices of a recognized church or  
17 religious denomination.

18 (k) Nothing in this Act applies to the practice of massage  
19 therapy by a person either actively licensed as a massage  
20 therapist in another state or currently certified by the  
21 National Certification Board of Therapeutic Massage and  
22 Bodywork or other national certifying body if said person's  
23 state does not license massage therapists, if he or she is  
24 performing his or her duties for a non-Illinois based team or  
25 organization, or for a national athletic event held in this  
26 State, so long as he or she restricts his or her practice to

1 his or her team or organization or to event participants during  
2 the course of his or her team's or organization's stay in this  
3 State or for the duration of the event.

4 (1) Nothing in this Act prohibits a person from engaging in  
5 naprapathic practice as defined in the Medical Practice Act of  
6 1987.

7 (Source: P.A. 97-514, eff. 8-23-11; 98-214, eff. 8-9-13.)

8 (225 ILCS 57/30)

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

10 Sec. 30. Title protection.

11 (a) Persons regulated by this Act are designated as massage  
12 therapists and therefore are exclusively entitled to utilize  
13 the terms "massage", "massage therapy", and "massage  
14 therapist" when advertising or printing promotional material.

15 (b) Anyone who knowingly aids and abets one or more persons  
16 not authorized to use a professional title regulated by this  
17 Act or knowingly employs persons not authorized to use the  
18 regulated professional title in the course of their employment,  
19 commits a violation of this Act.

20 (c) Anyone not authorized, under the definitions of this  
21 Act, to utilize the term "massage", "massage therapy", or  
22 "massage therapist" and who knowingly utilizes these terms when  
23 advertising commits a violation of this Act.

24 (d) Nothing in this Act shall prohibit the use of the terms  
25 "massage", "massage therapy", or "massage therapist" by a salon

1 registered under the Barber, Cosmetology, Esthetics, ~~Hair~~  
2 ~~Braiding~~, and Nail Technology Act of 1985, provided that the  
3 salon offers massage therapy services in accordance with this  
4 Act.

5 (Source: P.A. 97-514, eff. 8-23-11.)

6 Section 25. The Medical Practice Act of 1987 is amended by  
7 changing Section 2 and 3 as follows:

8 (225 ILCS 60/2) (from Ch. 111, par. 4400-2)

9 (Section scheduled to be repealed on December 31, 2017)

10 Sec. 2. Definitions. For purposes of this Act, the  
11 following definitions shall have the following meanings,  
12 except where the context requires otherwise:

13 "Act" means the Medical Practice Act of 1987.

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

21 "Chiropractic physician" means a person licensed to treat  
22 human ailments without the use of drugs and without operative  
23 surgery. Nothing in this Act shall be construed to prohibit a  
24 chiropractic physician from providing advice regarding the use

1 of non-prescription products or from administering atmospheric  
2 oxygen. Nothing in this Act shall be construed to authorize a  
3 chiropractic physician to prescribe drugs.

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

6 "Disciplinary Action" means revocation, suspension,  
7 probation, supervision, practice modification, reprimand,  
8 required education, fines or any other action taken by the  
9 Department against a person holding a license.

10 "Disciplinary Board" means the Medical Disciplinary Board.

11 "Final Determination" means the governing body's final  
12 action taken under the procedure followed by a health care  
13 institution, or professional association or society, against  
14 any person licensed under the Act in accordance with the bylaws  
15 or rules and regulations of such health care institution, or  
16 professional association or society.

17 "Fund" means the Illinois State Medical Disciplinary Fund.

18 "Impaired" means the inability to practice medicine with  
19 reasonable skill and safety due to physical or mental  
20 disabilities as evidenced by a written determination or written  
21 consent based on clinical evidence including deterioration  
22 through the aging process or loss of motor skill, or abuse of  
23 drugs or alcohol, of sufficient degree to diminish a person's  
24 ability to deliver competent patient care.

25 "Licensing Board" means the Medical Licensing Board.

26 "Naprathic practice" means the evaluation of persons

1 with connective tissue disorders through the use of naprapathic  
2 case history and palpation or treatment of persons by the use  
3 of connective tissue manipulation, therapeutic and  
4 rehabilitative exercise, postural counseling, nutritional  
5 counseling, and the use of the effective properties of physical  
6 measures of heat, cold, light, water, radiant energy,  
7 electricity, sound and air, and assistive devices for the  
8 purpose of preventing, correcting, or alleviating a physical  
9 disability.

10 "Naprapathic practice" includes, but is not limited to, the  
11 treatment of contractures, muscle spasms, inflammation, scar  
12 tissue formation, adhesions, lesions, laxity, hypotonicity,  
13 rigidity, structural imbalance, bruising, contusions, muscular  
14 atrophy, and partial separation of connective tissue fibers.

15 "Naprapathic practice" also includes: (i) performance of  
16 specialized tests and measurements, (ii) administration of  
17 specialized treatment procedures, (iii) interpretation of  
18 referrals from licensed physicians, dentists, and podiatric  
19 physicians, (iv) establishment and modification of naprapathic  
20 treatment programs, and (v) supervision or teaching of  
21 naprapathy.

22 "Naprapathic practice" does not include radiology,  
23 surgery, pharmacology, invasive diagnostic testing, or  
24 determination of a differential diagnosis; however, the  
25 limitation on determining a differential diagnosis does not in  
26 any manner limit a naprapath from performing an evaluation.

1 "Physician" means a person licensed under the Medical  
2 Practice Act to practice medicine in all of its branches or a  
3 chiropractic physician.

4 "Professional Association" means an association or society  
5 of persons licensed under this Act, and operating within the  
6 State of Illinois, including but not limited to, medical  
7 societies, osteopathic organizations, and chiropractic  
8 organizations, but this term shall not be deemed to include  
9 hospital medical staffs.

10 "Program of Care, Counseling, or Treatment" means a written  
11 schedule of organized treatment, care, counseling, activities,  
12 or education, satisfactory to the Disciplinary Board, designed  
13 for the purpose of restoring an impaired person to a condition  
14 whereby the impaired person can practice medicine with  
15 reasonable skill and safety of a sufficient degree to deliver  
16 competent patient care.

17 "Reinstate" means to change the status of a license from  
18 inactive or nonrenewed status to active status.

19 "Restore" means to remove an encumbrance from a license due  
20 to probation, suspension, or revocation.

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

23 (Source: P.A. 98-1140, eff. 12-30-14; 99-933, eff. 1-27-17.)

24 (225 ILCS 60/3) (from Ch. 111, par. 4400-3)

25 (Section scheduled to be repealed on December 31, 2017)

1           Sec. 3. Licensure requirement. No person shall practice  
2 medicine, or any of its branches, or treat human ailments  
3 without the use of drugs and without operative surgery, without  
4 a valid, active license to do so, except that a physician who  
5 holds an active license in another state or a second year  
6 resident enrolled in a residency program accredited by the  
7 Liaison Committee on Graduate Medical Education or the Bureau  
8 of Professional Education of the American Osteopathic  
9 Association may provide medical services to patients in  
10 Illinois during a bonafide emergency in immediate preparation  
11 for or during interstate transit. The practice of medicine does  
12 not include naprapathic practice.

13           (Source: P.A. 98-1140, eff. 12-30-14.)

14           (225 ILCS 63/Act rep.)

15           Section 30. The Naprapathic Practice Act is repealed.

16           Section 35. The Illinois Physical Therapy Act is amended by  
17 changing Section 2 as follows:

18           (225 ILCS 90/2) (from Ch. 111, par. 4252)

19           (Section scheduled to be repealed on January 1, 2026)

20           Sec. 2. Licensure requirement; exempt activities. Practice  
21 without a license forbidden - exception. No person shall after  
22 the date of August 31, 1965 begin to practice physical therapy  
23 in this State or hold himself out as being able to practice

1 this profession, unless he is licensed as such in accordance  
2 with the provisions of this Act. After the effective date of  
3 this amendatory Act of 1990, no person shall practice or hold  
4 himself out as a physical therapist assistant unless he is  
5 licensed as such under this Act. A physical therapist shall use  
6 the initials "PT" in connection with his or her name to denote  
7 licensure under this Act, and a physical therapist assistant  
8 shall use the initials "PTA" in connection with his or her name  
9 to denote licensure under this Act.

10 This Act does not prohibit:

11 (1) Any person licensed in this State under any other  
12 Act from engaging in the practice for which he is licensed.

13 (2) The practice of physical therapy by those persons,  
14 practicing under the supervision of a licensed physical  
15 therapist and who have met all of the qualifications as  
16 provided in Sections 7, 8.1, and 9 of this Act, until the  
17 next examination is given for physical therapists or  
18 physical therapist assistants and the results have been  
19 received by the Department and the Department has  
20 determined the applicant's eligibility for a license.  
21 Anyone failing to pass said examination shall not again  
22 practice physical therapy until such time as an examination  
23 has been successfully passed by such person.

24 (3) The practice of physical therapy for a period not  
25 exceeding 6 months by a person who is in this State on a  
26 temporary basis to assist in a case of medical emergency or



1 to engage in a special physical therapy project, and who  
2 meets the qualifications for a physical therapist as set  
3 forth in Sections 7 and 8 of this Act and is licensed in  
4 another state as a physical therapist.

5 (4) Practice of physical therapy by qualified persons  
6 who have filed for endorsement for no longer than one year  
7 or until such time that notification of licensure has been  
8 granted or denied, whichever period of time is lesser.

9 (5) One or more licensed physical therapists from  
10 forming a professional service corporation under the  
11 provisions of the "Professional Service Corporation Act",  
12 approved September 15, 1969, as now or hereafter amended,  
13 and licensing such corporation for the practice of physical  
14 therapy.

15 (6) Physical therapy aides from performing patient  
16 care activities under the on-site supervision of a licensed  
17 physical therapist or licensed physical therapist  
18 assistant. These patient care activities shall not include  
19 interpretation of referrals, evaluation procedures, the  
20 planning of or major modifications of, patient programs.

21 (7) Physical Therapist Assistants from performing  
22 patient care activities under the general supervision of a  
23 licensed physical therapist. The physical therapist must  
24 maintain continual contact with the physical therapist  
25 assistant including periodic personal supervision and  
26 instruction to insure the safety and welfare of the

1 patient.

2 (8) The practice of physical therapy by a physical  
3 therapy student or a physical therapist assistant student  
4 under the on-site supervision of a licensed physical  
5 therapist. The physical therapist shall be readily  
6 available for direct supervision and instruction to insure  
7 the safety and welfare of the patient.

8 (9) The practice of physical therapy as part of an  
9 educational program by a physical therapist licensed in  
10 another state or country for a period not to exceed 6  
11 months.

12 (10) The practice, services, or activities of persons  
13 practicing the specified occupations set forth in  
14 subsection (a) of, and pursuant to a licensing exemption  
15 granted in subsection (b) or (d) of, Section 2105-350 of  
16 the Department of Professional Regulation Law of the Civil  
17 Administrative Code of Illinois, but only for so long as  
18 the 2016 Olympic and Paralympic Games Professional  
19 Licensure Exemption Law is operable.

20 (11) A person from engaging in naprapathic practice as  
21 defined in the Medical Practice Act of 1987.

22 (Source: P.A. 96-7, eff. 4-3-09.)

23 (225 ILCS 130/Act rep.)

24 Section 40. The Registered Surgical Assistant and  
25 Registered Surgical Technologist Title Protection Act is

1 repealed.

2 (225 ILCS 310/Act rep.)

3 Section 45. The Interior Design Title Act is repealed.

4 (225 ILCS 335/Act rep.)

5 Section 50. The Illinois Roofing Industry Licensing Act is  
6 repealed.

7 (225 ILCS 401/Act rep.)

8 Section 55. The Illinois Athlete Agents Act is repealed.

9 Section 60. The Auction License Act is amended by changing  
10 Sections 5-10 and 10-1 as follows:

11 (225 ILCS 407/5-10)

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

13 Sec. 5-10. Definitions. As used in this Act:

14 "Advertisement" means any written, oral, or electronic  
15 communication that contains a promotion, inducement, or offer  
16 to conduct an auction or offer to provide an auction service,  
17 including but not limited to brochures, pamphlets, radio and  
18 television scripts, telephone and direct mail solicitations,  
19 electronic media, and other means of promotion.

20 "Advisory Board" or "Board" means the Auctioneer Advisory  
21 Board.

1 "Associate auctioneer" means a person who conducts an  
2 auction, but who is under the direct supervision of, and is  
3 sponsored by, a licensed auctioneer or auction firm.

4 "Auction" means the sale or lease of property, real or  
5 personal, by means of exchanges between an auctioneer and  
6 prospective purchasers or lessees, which consists of a series  
7 of invitations for offers made by the auctioneer and offers by  
8 prospective purchasers or lessees for the purpose of obtaining  
9 an acceptable offer for the sale or lease of the property,  
10 including the sale or lease of property via mail,  
11 telecommunications, or the Internet.

12 "Auction contract" means a written agreement between an  
13 auctioneer or auction firm and a seller or sellers.

14 "Auction firm" means any corporation, partnership, or  
15 limited liability company that acts as an auctioneer and  
16 provides an auction service.

17 "Auction school" means any educational institution, public  
18 or private, which offers a curriculum of auctioneer education  
19 and training approved by the Department.

20 "Auction service" means the service of arranging,  
21 managing, advertising, or conducting auctions.

22 "Auctioneer" means a person or entity who, for another, for  
23 a fee, compensation, commission, or any other valuable  
24 consideration at auction or with the intention or expectation  
25 of receiving valuable consideration by the means of or process  
26 of an auction or sale at auction or providing an auction

1 service, offers, negotiates, or attempts to negotiate an  
2 auction contract, sale, purchase, or exchange of goods,  
3 chattels, merchandise, personal property, real property, or  
4 any commodity that may be lawfully kept or offered for sale by  
5 or at auction.

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

13 "Buyer premium" means any fee or compensation paid by the  
14 successful purchaser of property sold or leased at or by  
15 auction, to the auctioneer, auction firms, seller, lessor, or  
16 other party to the transaction, other than the purchase price.

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

19 "Goods" means chattels, movable goods, merchandise, or  
20 personal property or commodities of any form or type that may  
21 be lawfully kept or offered for sale.

22 "Interactive computer service" means any information  
23 service, system, or access software provider that provides or  
24 enables computer access by multiple users to a computer server,  
25 including specifically a service or system that provides access  
26 to the Internet.

1       "Internet auction listing service" means a website on the  
2 Internet, or other interactive computer service, that is  
3 designed to allow or advertise as a means of allowing users to  
4 offer personal property or services for sale or lease to a  
5 prospective buyer or lessee through an on-line bid submission  
6 process using that website or interactive computer service and  
7 that does not examine, set the price, prepare the description  
8 of the personal property or service to be offered, or in any  
9 way utilize the services of a natural person as an auctioneer.

10       "Licensee" means any person licensed under this Act.

11       "Managing auctioneer" means any person licensed as an  
12 auctioneer who manages and supervises licensees sponsored by an  
13 auction firm or auctioneer.

14       "Person" means an individual, association, partnership,  
15 corporation, or limited liability company or the officers,  
16 directors, or employees of the same.

17       "Pre-renewal period" means the 24 months prior to the  
18 expiration date of a license issued under this Act.

19       "Real estate" means real estate as defined in Section 1-10  
20 of the Real Estate License Act of 2000 or its successor Acts.

21       "Secretary" means the Secretary of the Department of  
22 Financial and Professional Regulation or his or her designee.

23       "Sponsoring auctioneer" means the auctioneer or auction  
24 firm who has issued a sponsor card to a licensed auctioneer.

25       "Sponsor card" means the temporary permit issued by the  
26 sponsoring auctioneer certifying that the licensee named

1 thereon is employed by or associated with the sponsoring  
2 auctioneer and the sponsoring auctioneer shall be responsible  
3 for the actions of the sponsored licensee.

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

5 (225 ILCS 407/10-1)

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

7 Sec. 10-1. Necessity of license; exemptions.

8 (a) It is unlawful for any person, corporation, limited  
9 liability company, partnership, or other entity to conduct an  
10 auction, provide an auction service, hold himself or herself  
11 out as an auctioneer, or advertise his or her services as an  
12 auctioneer in the State of Illinois without a license issued by  
13 the Department under this Act, except at:

14 (1) an auction conducted solely by or for a  
15 not-for-profit organization for charitable purposes in  
16 which the individual receives no compensation;

17 (2) an auction conducted by the owner of the property,  
18 real or personal;

19 (3) an auction for the sale or lease of real property  
20 conducted by a licensee under the Real Estate License Act,  
21 or its successor Acts, in accordance with the terms of that  
22 Act;

23 (4) an auction conducted by a business registered as a  
24 market agency under the federal Packers and Stockyards Act  
25 (7 U.S.C. 181 et seq.) or under the Livestock Auction

1 Market Law;

2 (5) an auction conducted by an agent, officer, or  
3 employee of a federal agency in the conduct of his or her  
4 official duties; and

5 (6) an auction conducted by an agent, officer, or  
6 employee of the State government or any political  
7 subdivision thereof performing his or her official duties.

8 (b) Nothing in this Act shall be construed to apply to a  
9 new or used vehicle dealer or a vehicle auctioneer licensed by  
10 the Secretary of State of Illinois, or to any employee of the  
11 licensee, who is a resident of the State of Illinois, while the  
12 employee is acting in the regular scope of his or her  
13 employment for the licensee while conducting an auction that is  
14 not open to the public, provided that only new or used vehicle  
15 dealers, rebuilders, automotive parts recyclers, or scrap  
16 processors licensed by the Secretary of State or licensed by  
17 another state or jurisdiction may buy property at the auction,  
18 or to sales by or through the licensee. Out-of-state salvage  
19 vehicle buyers licensed in another state or jurisdiction may  
20 also buy property at the auction.

21 (c) Nothing in this Act shall be construed to prohibit a  
22 person under the age of 18 from selling property under \$250 in  
23 value while under the direct supervision of a licensed  
24 auctioneer.

25 (d) Nothing in this Act, ~~except Section 10-27,~~ shall be  
26 construed to apply to a person ~~while~~ providing an Internet



1 auction listing service as defined in Section 5-10 ~~10-27~~.

2 (Source: P.A. 95-572, eff. 6-1-08; 95-783, eff. 1-1-09; 96-730,  
3 eff. 8-25-09.)

4 (225 ILCS 407/10-27 rep.)

5 Section 65. The Auction License Act is amended by repealing  
6 Section 10-27.

7 Section 70. The Barber, Cosmetology, Esthetics, Hair  
8 Braiding, and Nail Technology Act of 1985 is amended by  
9 changing Sections 1-1, 1-2, 1-4, 1-7, 1-7.5, 1-10, 1-11, 3-1,  
10 3B-1, 3B-10, 3B-11, 3B-12, 3B-15, 3B-16, 3C-8, 3D-5, 4-1, 4-2,  
11 4-4, 4-6.1, 4-7, 4-9, 4-19, and 4-20 and the headings of  
12 Article IIIB and Article IIID as follows:

13 (225 ILCS 410/1-1) (from Ch. 111, par. 1701-1)

14 (Section scheduled to be repealed on January 1, 2026)

15 Sec. 1-1. Title of Act. This Act may be cited as the  
16 Barber, Cosmetology, Esthetics, ~~Hair Braiding~~, and Nail  
17 Technology Act of 1985.

18 (Source: P.A. 96-1246, eff. 1-1-11.)

19 (225 ILCS 410/1-2) (from Ch. 111, par. 1701-2)

20 (Section scheduled to be repealed on January 1, 2026)

21 Sec. 1-2. Public policy. The practices of barbering,  
22 cosmetology, esthetics, ~~hair braiding~~, and nail technology in

1 the State of Illinois are hereby declared to affect the public  
2 health, safety and welfare and to be subject to regulation and  
3 control in the public interest. It is further declared to be a  
4 matter of public interest and concern that the professions  
5 merit and receive the confidence of the public and that only  
6 qualified persons be permitted to practice said professions in  
7 the State of Illinois. This Act shall be liberally construed to  
8 carry out these objects and purposes.

9 (Source: P.A. 98-911, eff. 1-1-15.)

10 (225 ILCS 410/1-4)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 1-4. Definitions. In this Act the following words  
13 shall have the following meanings:

14 "Address of record" means the designated address recorded  
15 by the Department in the applicant's application file or the  
16 licensee's license file, as maintained by the Department's  
17 licensure maintenance unit.

18 "Board" means the Barber, Cosmetology, Esthetics, ~~Hair~~  
19 ~~Braiding~~, and Nail Technology Board.

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

22 "Hair braiding" means a natural form of hair manipulation  
23 by braiding, cornrowing, extending, lacing, locking, sewing,  
24 twisting, weaving, or wrapping human hair, natural fibers,  
25 synthetic fibers, and hair extensions. Such practice can be

1 performed by hand or by using simple braiding devices including  
2 clips, combs, hairpins, scissors, needles and thread. "Hair  
3 braiding" includes what is commonly known as "African-style  
4 hair braiding" or "natural hair care", but is not limited to  
5 any particular cultural, ethnic, racial, or religious form of  
6 hair style. "Hair braiding" includes the making of customized  
7 wigs from natural hair, natural fibers, synthetic fibers, and  
8 hair extensions. "Hair braiding" does not involve the use of  
9 penetrating chemical hair treatments, chemical hair coloring  
10 agents, chemical hair straightening agents, chemical hair  
11 joining agents, permanent wave styles, or chemical hair  
12 bleaching agents applied to growing human hair. "Hair braiding"  
13 does not include the cutting or growing of human hair, but may  
14 include the trimming of hair extensions or sewn weave-in  
15 extensions only as applicable to the braiding process.

16 "Licensed barber" means an individual licensed by the  
17 Department to practice barbering as defined in this Act and  
18 whose license is in good standing.

19 "Licensed cosmetologist" means an individual licensed by  
20 the Department to practice cosmetology, nail technology, ~~hair~~  
21 ~~braiding~~, and esthetics as defined in this Act and whose  
22 license is in good standing.

23 "Licensed esthetician" means an individual licensed by the  
24 Department to practice esthetics as defined in this Act and  
25 whose license is in good standing.

26 "Licensed nail technician" means an individual licensed by

1 the Department to practice nail technology as defined in this  
2 Act and whose license is in good standing.

3 "Licensed barber teacher" means an individual licensed by  
4 the Department to practice barbering as defined in this Act and  
5 to provide instruction in the theory and practice of barbering  
6 to students in an approved barber school.

7 "Licensed cosmetology teacher" means an individual  
8 licensed by the Department to practice cosmetology, esthetics,  
9 ~~hair braiding,~~ and nail technology as defined in this Act and  
10 to provide instruction in the theory and practice of  
11 cosmetology, esthetics, ~~hair braiding,~~ and nail technology to  
12 students in an approved cosmetology, esthetics, ~~hair braiding,~~  
13 or nail technology school.

14 "Licensed cosmetology clinic teacher" means an individual  
15 licensed by the Department to practice cosmetology, esthetics,  
16 ~~hair braiding,~~ and nail technology as defined in this Act and  
17 to provide clinical instruction in the practice of cosmetology,  
18 esthetics, ~~hair braiding,~~ and nail technology in an approved  
19 school of cosmetology, esthetics, ~~hair braiding,~~ or nail  
20 technology.

21 "Licensed esthetics teacher" means an individual licensed  
22 by the Department to practice esthetics as defined in this Act  
23 and to provide instruction in the theory and practice of  
24 esthetics to students in an approved cosmetology or esthetics  
25 school.

26 ~~"Licensed hair braider" means an individual licensed by the~~

1 ~~Department to practice hair braiding as defined in this Act and~~  
2 ~~whose license is in good standing.~~

3 ~~"Licensed hair braiding teacher" means an individual~~  
4 ~~licensed by the Department to practice hair braiding and to~~  
5 ~~provide instruction in the theory and practice of hair braiding~~  
6 ~~to students in an approved cosmetology or hair braiding school.~~

7 "Licensed nail technology teacher" means an individual  
8 licensed by the Department to practice nail technology and to  
9 provide instruction in the theory and practice of nail  
10 technology to students in an approved nail technology or  
11 cosmetology school.

12 "Enrollment" is the date upon which the student signs an  
13 enrollment agreement or student contract.

14 "Enrollment agreement" or "student contract" is any  
15 agreement, instrument, or contract however named, which  
16 creates or evidences an obligation binding a student to  
17 purchase a course of instruction from a school.

18 "Enrollment time" means the maximum number of hours a  
19 student could have attended class, whether or not the student  
20 did in fact attend all those hours.

21 "Elapsed enrollment time" means the enrollment time  
22 elapsed between the actual starting date and the date of the  
23 student's last day of physical attendance in the school.

24 "Mobile shop or salon" means a self-contained facility that  
25 may be moved, towed, or transported from one location to  
26 another and in which barbering, cosmetology, esthetics, ~~hair~~

1 ~~braiding~~, or nail technology is practiced.

2 "Secretary" means the Secretary of the Department of  
3 Financial and Professional Regulation.

4 "Threading" means any technique that results in the removal  
5 of superfluous hair from the body by twisting thread around  
6 unwanted hair and then pulling it from the skin; and may also  
7 include the incidental trimming of eyebrow hair.

8 (Source: P.A. 98-238, eff. 1-1-14; 98-911, eff. 1-1-15; 99-427,  
9 eff. 8-21-15.)

10 (225 ILCS 410/1-7) (from Ch. 111, par. 1701-7)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 1-7. Licensure required; renewal; restoration.

13 (a) It is unlawful for any person to practice, or to hold  
14 himself or herself out to be a cosmetologist, esthetician, nail  
15 technician, ~~hair braider~~, or barber without a license as a  
16 cosmetologist, esthetician, nail technician, ~~hair braider~~ or  
17 barber issued by the Department pursuant to the provisions of  
18 this Act and of the Civil Administrative Code of Illinois. It  
19 is also unlawful for any person, firm, partnership, limited  
20 liability company, or corporation to own, operate, or conduct a  
21 cosmetology, esthetics, nail technology, ~~hair braiding~~, or  
22 barber school without a license issued by the Department or to  
23 own or operate a cosmetology, esthetics, or nail technology, ~~or~~  
24 ~~hair braiding~~ salon, barber shop, or other business subject to  
25 the registration requirements of this Act without a certificate

1 of registration issued by the Department. It is further  
2 unlawful for any person to teach in any cosmetology, esthetics,  
3 nail technology, ~~hair braiding,~~ or barber college or school  
4 approved by the Department or hold himself or herself out as a  
5 cosmetology, esthetics, ~~hair braiding,~~ nail technology, or  
6 barber teacher without a license as a teacher, issued by the  
7 Department or as a cosmetology clinic teacher without a license  
8 as a cosmetology clinic teacher issued by the Department.

9 (b) Notwithstanding any other provision of this Act, a  
10 person licensed as a cosmetologist may hold himself or herself  
11 out as an esthetician and may engage in the practice of  
12 esthetics, as defined in this Act, without being licensed as an  
13 esthetician. A person licensed as a cosmetology teacher may  
14 teach esthetics or hold himself or herself out as an esthetics  
15 teacher without being licensed as an esthetics teacher. A  
16 person licensed as a cosmetologist may hold himself or herself  
17 out as a nail technician and may engage in the practice of nail  
18 technology, as defined in this Act, without being licensed as a  
19 nail technician. A person licensed as a cosmetology teacher may  
20 teach nail technology and hold himself or herself out as a nail  
21 technology teacher without being licensed as a nail technology  
22 teacher. ~~A person licensed as a cosmetologist may hold himself~~  
23 ~~or herself out as a hair braider and may engage in the practice~~  
24 ~~of hair braiding, as defined in this Act, without being~~  
25 ~~licensed as a hair braider. A person licensed as a cosmetology~~  
26 ~~teacher may teach hair braiding and hold himself or herself out~~

1 ~~as a hair braiding teacher without being licensed as a hair~~  
2 ~~braiding teacher.~~

3 (c) A person licensed as a barber teacher may hold himself  
4 or herself out as a barber and may practice barbering without a  
5 license as a barber. A person licensed as a cosmetology teacher  
6 may hold himself or herself out as a cosmetologist,  
7 esthetician, ~~hair braider,~~ and nail technologist and may  
8 practice cosmetology, esthetics, ~~hair braiding,~~ and nail  
9 technology without a license as a cosmetologist, esthetician,  
10 ~~hair braider,~~ or nail technologist. A person licensed as an  
11 esthetics teacher may hold himself or herself out as an  
12 esthetician without being licensed as an esthetician and may  
13 practice esthetics. A person licensed as a nail technician  
14 teacher may practice nail technology and may hold himself or  
15 herself out as a nail technologist without being licensed as a  
16 nail technologist. ~~A person licensed as a hair braiding teacher~~  
17 ~~may practice hair braiding and may hold himself or herself out~~  
18 ~~as a hair braider without being licensed as a hair braider.~~

19 (d) The holder of a license issued under this Act may renew  
20 that license during the month preceding the expiration date of  
21 the license by paying the required fee.

22 (e) The expiration date, renewal period, and conditions for  
23 renewal and restoration of each license shall be established by  
24 rule.

25 (f) A license issued under the provisions of this Act as a  
26 barber, barber teacher, cosmetologist, cosmetology teacher,



1 cosmetology clinic teacher, esthetician, esthetics teacher,  
2 nail technician, or nail technician teacher, ~~hair braider, or~~  
3 ~~hair braiding teacher~~ that has expired while the holder of the  
4 license was engaged (1) in federal service on active duty with  
5 the Army, Navy, Marine Corps, Air Force, or Coast Guard of the  
6 United States of America, or any Women's Auxiliary thereof, or  
7 the State Militia called into the service or training of the  
8 United States of America or (2) in training or education under  
9 the supervision of the United States preliminary to induction  
10 into the military service, may be reinstated or restored  
11 without payment of any lapsed renewal fees, reinstatement fee,  
12 or restoration fee if within 2 years after the termination of  
13 such service, training, or education other than by dishonorable  
14 discharge, the holder furnishes the Department with an  
15 affidavit to the effect that he or she has been so engaged and  
16 that his or her service, training, or education has been so  
17 terminated.

18 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

19 (225 ILCS 410/1-7.5)

20 (Section scheduled to be repealed on January 1, 2026)

21 Sec. 1-7.5. Unlicensed practice; violation; civil penalty.

22 (a) Any person who practices, offers to practice, attempts  
23 to practice, or holds himself or herself out to practice  
24 barbering, cosmetology, esthetics, ~~hair braiding,~~ or nail  
25 technology without being licensed under this Act shall, in

1 addition to any other penalty provided by law, pay a civil  
2 penalty to the Department in an amount not to exceed \$5,000 for  
3 each offense as determined by the Department. The civil penalty  
4 shall be assessed by the Department after a hearing is held in  
5 accordance with the provisions set forth in this Act regarding  
6 disciplining a licensee.

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

9 (c) The civil penalty shall be paid within 60 days after  
10 the effective date of the order imposing the civil penalty. The  
11 order shall constitute a judgment and may be filed and  
12 execution had thereon in the same manner as any judgment from  
13 any court of record.

14 (Source: P.A. 96-1246, eff. 1-1-11.)

15 (225 ILCS 410/1-10) (from Ch. 111, par. 1701-10)

16 (Section scheduled to be repealed on January 1, 2026)

17 Sec. 1-10. Display. Every holder of a license shall display  
18 it in a place in the holder's principal office, place of  
19 business or place of employment. Whenever a licensed  
20 cosmetologist, esthetician, nail technician, ~~hair braider,~~ or  
21 barber practices cosmetology, esthetics, nail technology, ~~hair~~  
22 ~~braiding,~~ or barbering outside of or away from the  
23 cosmetologist's, esthetician's, nail technician's, ~~hair~~  
24 ~~braider's,~~ or barber's principal office, place of business, or  
25 place of employment, the cosmetologist, esthetician, nail

1 technician, ~~hair braider,~~ or barber shall provide any person so  
2 requesting proof that he or she has a valid license issued by  
3 the Department.

4 Every registered shop shall display its certificate of  
5 registration at the location of the shop. Each shop where  
6 barber, cosmetology, esthetics, ~~hair braiding,~~ or nail  
7 technology services are provided shall have a certificate of  
8 registration.

9 (Source: P.A. 99-427, eff. 8-21-15.)

10 (225 ILCS 410/1-11) (from Ch. 111, par. 1701-11)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 1-11. Exceptions to Act.

13 (a) Nothing in this Act shall be construed to apply to the  
14 educational activities conducted in connection with any  
15 monthly, annual or other special educational program of any  
16 bona fide association of licensed cosmetologists,  
17 estheticians, nail technicians, ~~hair braiders,~~ or barbers, or  
18 licensed cosmetology, esthetics, nail technology, ~~hair~~  
19 ~~braiding,~~ or barber schools from which the general public is  
20 excluded.

21 (b) Nothing in this Act shall be construed to apply to the  
22 activities and services of registered nurses or licensed  
23 practical nurses, as defined in the Nurse Practice Act, or to  
24 personal care or health care services provided by individuals  
25 in the performance of their duties as employed or authorized by

1 facilities or programs licensed or certified by State agencies.  
2 As used in this subsection (b), "personal care" means  
3 assistance with meals, dressing, movement, bathing, or other  
4 personal needs or maintenance or general supervision and  
5 oversight of the physical and mental well-being of an  
6 individual who is incapable of maintaining a private,  
7 independent residence or who is incapable of managing his or  
8 her person whether or not a guardian has been appointed for  
9 that individual. The definition of "personal care" as used in  
10 this subsection (b) shall not otherwise be construed to negate  
11 the requirements of this Act or its rules.

12 (c) Nothing in this Act shall be deemed to require  
13 licensure of individuals employed by the motion picture, film,  
14 television, stage play or related industry for the purpose of  
15 providing cosmetology or esthetics services to actors of that  
16 industry while engaged in the practice of cosmetology or  
17 esthetics as a part of that person's employment.

18 (d) Nothing in this Act shall be deemed to require  
19 licensure of an inmate of the Department of Corrections who  
20 performs barbering or cosmetology with the approval of the  
21 Department of Corrections during the person's incarceration.

22 (Source: P.A. 99-427, eff. 8-21-15.)

23 (225 ILCS 410/3-1) (from Ch. 111, par. 1703-1)

24 (Section scheduled to be repealed on January 1, 2026)

25 Sec. 3-1. Cosmetology defined. Any one or any combination

1 of the following practices constitutes the practice of  
2 cosmetology when done for cosmetic or beautifying purposes and  
3 not for the treatment of disease or of muscular or nervous  
4 disorder: arranging, braiding, dressing, cutting, trimming,  
5 curling, waving, chemical restructuring, shaping, singeing,  
6 bleaching, coloring or similar work, upon the hair of the head  
7 or any cranial prosthesis; cutting or trimming facial hair of  
8 any person; any practice of manicuring, pedicuring, decorating  
9 nails, applying sculptured nails or otherwise artificial nails  
10 by hand or with mechanical or electrical apparatus or  
11 appliances, or in any way caring for the nails or the skin of  
12 the hands or feet including massaging the hands, arms, elbows,  
13 feet, lower legs, and knees of another person for other than  
14 the treatment of medical disorders; any practice of epilation  
15 or depilation of any person; any practice for the purpose of  
16 cleansing, massaging or toning the skin of the scalp;  
17 beautifying, massaging, cleansing, exfoliating, or stimulating  
18 the stratum corneum of the epidermis by the use of cosmetic  
19 preparations, body treatments, body wraps, the use of  
20 hydrotherapy, or any device, electrical, mechanical, or  
21 otherwise; applying make-up or eyelashes to any person or  
22 lightening or coloring hair on the body and removing  
23 superfluous hair from the body of any person by the use of  
24 depilatories, waxing, threading, or tweezers. The term  
25 "cosmetology" does not include the services provided by an  
26 electrologist. Nail technology is the practice and the study of

1 cosmetology only to the extent of manicuring, pedicuring,  
2 decorating, and applying sculptured or otherwise artificial  
3 nails, or in any way caring for the nail or the skin of the  
4 hands or feet including massaging the hands, arms, elbows,  
5 feet, lower legs, and knees. Cosmetologists are prohibited from  
6 using any technique, product, or practice intended to affect  
7 the living layers of the skin. The term cosmetology includes  
8 rendering advice on what is cosmetically appealing, but no  
9 person licensed under this Act shall render advice on what is  
10 appropriate medical treatment for diseases of the skin.  
11 Purveyors of cosmetics may demonstrate such cosmetic products  
12 in conjunction with any sales promotion and shall not be  
13 required to hold a license under this Act. Nothing in this Act  
14 shall be construed to prohibit the shampooing of hair by  
15 persons employed for that purpose and who perform that task  
16 under the direct supervision of a licensed cosmetologist or  
17 licensed cosmetology teacher. Nothing in this Act shall be  
18 construed to prohibit hair braiding by a person who only  
19 provides hair braiding services and does not provide any other  
20 services defined as cosmetology under this Act.

21 (Source: P.A. 98-911, eff. 1-1-15.)

22 (225 ILCS 410/Art. III B heading)

23 ARTICLE III B. BARBER, COSMETOLOGY, ESTHETICS, ~~HAIR BRAIDING,~~  
24 AND NAIL TECHNOLOGY SCHOOLS

25 (Source: P.A. 98-911, eff. 1-1-15.)

1 (225 ILCS 410/3B-1) (from Ch. 111, par. 1703B-1)

2 (Section scheduled to be repealed on January 1, 2026)

3 Sec. 3B-1. Application. The provisions of this Article are  
4 applicable only to barber, cosmetology, esthetics, ~~hair~~  
5 ~~braiding~~, and nail technology schools regulated under this Act.  
6 (Source: P.A. 98-911, eff. 1-1-15.)

7 (225 ILCS 410/3B-10)

8 (Section scheduled to be repealed on January 1, 2026)

9 Sec. 3B-10. Requisites for ownership or operation of  
10 school. No person, firm, or corporation may own, operate, or  
11 conduct a school of barbering, cosmetology, esthetics, ~~hair~~  
12 ~~braiding~~, or nail technology for the purpose of teaching  
13 barbering, cosmetology, esthetics, ~~hair braiding~~, or nail  
14 technology for compensation unless licensed by the Department.  
15 A licensed school is a postsecondary educational institution  
16 authorized by the Department to provide a postsecondary  
17 education program in compliance with the requirements of this  
18 Act. An applicant shall apply to the Department on forms  
19 provided by the Department, pay the required fees, and comply  
20 with the following requirements:

21 1. The applicant must submit to the Department for  
22 approval:

23 a. A floor plan, drawn to a scale specified on the  
24 floor plan, showing every detail of the proposed

1 school; and

2 b. A lease commitment or proof of ownership for the  
3 location of the proposed school; a lease commitment  
4 must provide for execution of the lease upon the  
5 Department's approval of the school's application and  
6 the lease must be for a period of at least one year.

7 c. (Blank).

8 2. An application to own or operate a school shall  
9 include the following:

10 a. If the owner is a corporation, a copy of the  
11 Articles of Incorporation or, if the owner is a limited  
12 liability company, a copy of the articles of  
13 organization;

14 b. If the owner is a partnership, a listing of all  
15 partners and their current addresses;

16 c. If the applicant is an owner, a completed  
17 financial statement showing the owner's ability to  
18 operate the school for at least 3 months;

19 d. A copy of the official enrollment agreement or  
20 student contract to be used by the school, which shall  
21 be consistent with the requirements of this Act and  
22 rules;

23 e. A listing of all teachers who will be in the  
24 school's employ, including their teacher license  
25 numbers;

26 f. A copy of the curricula that will be followed;



1           g. The names, addresses, and current status of all  
2 schools in which the applicant has previously owned any  
3 interest, and a declaration as to whether any of these  
4 schools were ever denied accreditation or licensing or  
5 lost accreditation or licensing from any governmental  
6 body or accrediting agency;

7           h. Each application for a certificate of approval  
8 shall be signed and certified under oath by the  
9 school's chief managing employee and also by its  
10 individual owner or owners; if the applicant is a  
11 partnership or a corporation, then the application  
12 shall be signed and certified under oath by the  
13 school's chief managing employee and also by each  
14 member of the partnership or each officer of the  
15 corporation, as the case may be;

16           i. A copy of the school's official transcript; and

17           j. The required fee.

18           3. Each application for a license to operate a school  
19 shall also contain the following commitments:

20           a. To conduct the school in accordance with this  
21 Act and the standards, and rules from time to time  
22 adopted under this Act and to meet standards and  
23 requirements at least as stringent as those required by  
24 Part H of the Federal Higher Education Act of 1965.

25           b. To permit the Department to inspect the school  
26 or classes thereof from time to time with or without

1 notice; and to make available to the Department, at any  
2 time when required to do so, information including  
3 financial information pertaining to the activities of  
4 the school required for the administration of this Act  
5 and the standards and rules adopted under this Act;

6 c. To utilize only advertising and solicitation  
7 which is free from misrepresentation, deception,  
8 fraud, or other misleading or unfair trade practices;

9 d. To screen applicants to the school prior to  
10 enrollment pursuant to the requirements of the  
11 school's regional or national accrediting agency, if  
12 any, and to maintain any and all records of such  
13 screening. If the course of instruction is offered in a  
14 language other than English, the screening shall also  
15 be performed in that language;

16 e. To post in a conspicuous place a statement,  
17 developed by the Department, of student's rights  
18 provided under this Act.

19 4. The applicant shall establish to the satisfaction of  
20 the Department that the owner possesses sufficient liquid  
21 assets to meet the prospective expenses of the school for a  
22 period of 3 months. In the discretion of the Department,  
23 additional proof of financial ability may be required.

24 5. The applicant shall comply with all rules of the  
25 Department determining the necessary curriculum and  
26 equipment required for the conduct of the school.

1           6. The applicant must demonstrate employment of a  
2 sufficient number of qualified teachers who are holders of  
3 a current license issued by the Department.

4           7. A final inspection of the barber, cosmetology,  
5 esthetics, ~~hair braiding~~, or nail technology school shall  
6 be made by the Department before the school may commence  
7 classes.

8           8. A written inspection report must be made by the  
9 State Fire Marshal or a local fire authority approving the  
10 use of the proposed premises as a barber, cosmetology,  
11 esthetics, ~~hair braiding~~, or nail technology school.

12 (Source: P.A. 98-238, eff. 1-1-14; 98-911, eff. 1-1-15; 99-427,  
13 eff. 8-21-15.)

14 (225 ILCS 410/3B-11)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 3B-11. Periodic review of barber, cosmetology,  
17 esthetics, ~~hair braiding~~, and nail technology schools. All  
18 approved schools and courses of instruction are subject to  
19 review by the Department. The review shall include  
20 consideration of a comparison between the graduation or  
21 completion rate for the school and the graduation or completion  
22 rate for the schools within that classification of schools.  
23 Consideration shall be given to complaints and information  
24 forwarded to the Department by the Federal Trade Commission,  
25 Better Business Bureaus, the Illinois Attorney General's

1 Office, a State's Attorney's Office, other State or official  
2 approval agencies, local school officials, and interested  
3 persons. The Department shall investigate all complaints filed  
4 with the Department about a school or its sales  
5 representatives.

6 A school shall retain the records, as defined by rule, of a  
7 student who withdraws from or drops out of the school, by  
8 written notice of cancellation or otherwise, for any period  
9 longer than 7 years from the student's first day of attendance.  
10 However, a school shall retain indefinitely the transcript of  
11 each student who completes the program and graduates from the  
12 school.

13 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

14 (225 ILCS 410/3B-12)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 3B-12. Enrollment agreements.

17 (a) Enrollment agreements shall be used by barber,  
18 cosmetology, esthetics, ~~hair braiding,~~ and nail technology  
19 schools licensed to operate by the Department and shall include  
20 the following written disclosures:

21 (1) The name and address of the school and the  
22 addresses where instruction will be given;

23 (2) The name and description of the course of  
24 instruction, including the number of clock hours in each  
25 course and an approximate number of weeks or months

1 required for completion;

2 (3) The scheduled starting date and calculated  
3 completion date;

4 (4) The total cost of the course of instruction  
5 including any charges made by the school for tuition,  
6 books, materials, supplies, and other expenses;

7 (5) A clear and conspicuous statement that the contract  
8 is a legally binding instrument when signed by the student  
9 and accepted by the school;

10 (6) A clear and conspicuous caption, "BUYER'S RIGHT TO  
11 CANCEL" under which it is explained that the student has  
12 the right to cancel the initial enrollment agreement until  
13 midnight of the fifth business day after the student has  
14 been enrolled; and if notice of the right to cancel is not  
15 given to any prospective student at the time the enrollment  
16 agreement is signed, then the student has the right to  
17 cancel the agreement at any time and receive a refund of  
18 all monies paid to date within 10 days of cancellation;

19 (7) A notice to the students that the cancellation must  
20 be in writing and given to the registered agent, if any, or  
21 managing employee of the school;

22 (8) The school's refund policy for unearned tuition,  
23 fees, and other charges;

24 (9) The date of the student's signature and the date of  
25 the student's admission;

26 (10) The name of the school employee or agent

1 responsible for procuring, soliciting, or enrolling the  
2 student;

3 (11) A clear statement that the institution does not  
4 guarantee employment and a statement describing the  
5 school's placement assistance procedures;

6 (12) The graduation requirements of the school;

7 (13) The contents of the following notice, in at least  
8 10 point bold type:

9 "NOTICE TO THE STUDENT"

10 "Do not sign this contract before you read it or if it  
11 contains any blank space. You are entitled to an exact copy  
12 of the contract you sign."

13 (14) A statement either in the enrollment agreement or  
14 separately provided and acknowledged by the student  
15 indicating the number of students who did not complete the  
16 course of instruction for which they enrolled for the past  
17 calendar year as compared to the number of students who  
18 enrolled in school during the school's past calendar year;

19 (15) The following clear and conspicuous caption:  
20 "COMPLAINTS AGAINST THIS SCHOOL MAY BE REGISTERED WITH THE  
21 DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION", set  
22 forth with the address and telephone number of the  
23 Department's Complaint Intake Unit.

24 (b) If the enrollment is negotiated orally in a language  
25 other than English, then copies of the above disclosures shall  
26 be tendered in the language in which the contract was

1 negotiated prior to executing the enrollment agreement.

2 (c) The school shall comply with all applicable  
3 requirements of the Retail Installment Sales Act in its  
4 enrollment agreement or student contracts.

5 (d) No enrollment agreement or student contract shall  
6 contain a wage assignment provision or a confession of judgment  
7 clause.

8 (e) Any provision in an enrollment agreement or student  
9 contract that purports to waive the student's right to assert  
10 against the school, or any assignee, any claim or defense he or  
11 she may have against the school arising under the contract  
12 shall be void.

13 (f) Two copies of the enrollment agreement shall be signed  
14 by the student. One copy shall be given to the student and the  
15 school shall retain the other copy as part of the student's  
16 permanent record.

17 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

18 (225 ILCS 410/3B-15)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 3B-15. Grounds for disciplinary action. In addition to  
21 any other cause herein set forth the Department may refuse to  
22 issue or renew and may suspend, place on probation, or revoke  
23 any license to operate a school, or take any other disciplinary  
24 or non-disciplinary action that the Department may deem proper,  
25 including the imposition of fines not to exceed \$5,000 for each

1 violation, for any one or any combination of the following  
2 causes:

3 (1) Repeated violation of any provision of this Act or  
4 any standard or rule established under this Act.

5 (2) Knowingly furnishing false, misleading, or  
6 incomplete information to the Department or failure to  
7 furnish information requested by the Department.

8 (3) Violation of any commitment made in an application  
9 for a license, including failure to maintain standards that  
10 are the same as, or substantially equivalent to, those  
11 represented in the school's applications and advertising.

12 (4) Presenting to prospective students information  
13 relating to the school, or to employment opportunities or  
14 opportunities for enrollment in institutions of higher  
15 learning after entering into or completing courses offered  
16 by the school, that is false, misleading, or fraudulent.

17 (5) Failure to provide premises or equipment or to  
18 maintain them in a safe and sanitary condition as required  
19 by law.

20 (6) Failure to maintain financial resources adequate  
21 for the satisfactory conduct of the courses of instruction  
22 offered or to retain a sufficient and qualified  
23 instructional and administrative staff.

24 (7) Refusal to admit applicants on account of race,  
25 color, creed, sex, physical or mental disability unrelated  
26 to ability, religion, or national origin.



1           (8) Paying a commission or valuable consideration to  
2 any person for acts or services performed in violation of  
3 this Act.

4           (9) Attempting to confer a fraudulent degree, diploma,  
5 or certificate upon a student.

6           (10) Failure to correct any deficiency or act of  
7 noncompliance under this Act or the standards and rules  
8 established under this Act within reasonable time limits  
9 set by the Department.

10          (11) Conduct of business or instructional services  
11 other than at locations approved by the Department.

12          (12) Failure to make all of the disclosures or making  
13 inaccurate disclosures to the Department or in the  
14 enrollment agreement as required under this Act.

15          (13) Failure to make appropriate refunds as required by  
16 this Act.

17          (14) Denial, loss, or withdrawal of accreditation by  
18 any accrediting agency.

19          (15) During any calendar year, having a failure rate of  
20 25% or greater for those of its students who for the first  
21 time take the examination authorized by the Department to  
22 determine fitness to receive a license as a barber, barber  
23 teacher, cosmetologist, cosmetology teacher, esthetician,  
24 esthetician teacher, ~~hair braider, hair braiding teacher,~~  
25 nail technician, or nail technology teacher, provided that  
26 a student who transfers into the school having completed

1 50% or more of the required program and who takes the  
2 examination during that calendar year shall not be counted  
3 for purposes of determining the school's failure rate on an  
4 examination, without regard to whether that transfer  
5 student passes or fails the examination.

6 (16) Failure to maintain a written record indicating  
7 the funds received per student and funds paid out per  
8 student. Such records shall be maintained for a minimum of  
9 7 years and shall be made available to the Department upon  
10 request. Such records shall identify the funding source and  
11 amount for any student who has enrolled as well as any  
12 other item set forth by rule.

13 (17) Failure to maintain a copy of the student record  
14 as defined by rule.

15 (Source: P.A. 98-911, eff. 1-1-15; 99-143, eff. 7-27-15.)

16 (225 ILCS 410/3B-16)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 3B-16. Department of Corrections. The Secretary may  
19 waive any requirement of this Act or of the rules enacted by  
20 the Department pursuant to this Act pertaining to the operation  
21 of a barber, cosmetology, esthetics, ~~hair braiding~~, or nail  
22 technology school owned or operated by the Department of  
23 Corrections and located in a correctional facility to educate  
24 inmates that is inconsistent with the mission or operations of  
25 the Department of Corrections or is detrimental to the safety

1 and security of any correctional facility. Nothing in this  
2 Section 3B-16 exempts the Department of Corrections from the  
3 necessity of licensure.

4 (Source: P.A. 98-911, eff. 1-1-15.)

5 (225 ILCS 410/3C-8) (from Ch. 111, par. 1703C-8)

6 (Section scheduled to be repealed on January 1, 2026)

7 Sec. 3C-8. License renewal; expiration; continuing  
8 education; persons in military service. The holder of a license  
9 issued under this Article may renew that license during the  
10 month preceding the expiration date of the license by paying  
11 the required fee and giving evidence, as the Department may  
12 prescribe, of completing not less than 10 hours of continuing  
13 education for a nail technician and 20 hours of continuing  
14 education for a nail technology teacher, within the 2 years  
15 prior to renewal. The continuing education shall be in subjects  
16 approved by the Department upon recommendation of the Barber,  
17 Cosmetology, Esthetics, ~~Hair Braiding~~, and Nail Technology  
18 Board relating to the practice of nail technology, including,  
19 but not limited to, review of sanitary procedures, review of  
20 chemical service procedures, review of this Act, and review of  
21 the Workers' Compensation Act. However, at least 10 of the  
22 hours of continuing education required for a nail technology  
23 teacher shall be in subjects relating to teaching methodology,  
24 educational psychology, and classroom management or in other  
25 subjects related to teaching.

1           For the initial renewal of a nail technician's license  
2 which requires continuing education, as prescribed by rule, one  
3 hour of the continuing education shall include domestic  
4 violence and sexual assault awareness education as prescribed  
5 by rule of the Department. For every subsequent renewal of a  
6 nail technician's license, one hour of the continuing education  
7 may include domestic violence and sexual assault awareness  
8 education as prescribed by rule of the Department. The one-hour  
9 domestic violence and sexual assault awareness continuing  
10 education course shall be provided by a continuing education  
11 provider approved by the Department, except that completion  
12 from March 12, 2016 to March 15, 2016 of a one-hour domestic  
13 violence and sexual assault awareness course from a domestic  
14 violence and sexual assault awareness organization shall  
15 satisfy this requirement.

16           The Department may prescribe rules regarding the  
17 requirements for domestic violence and sexual assault  
18 awareness continuing education courses and teachers.

19           The Department, in its discretion, may waive enforcement of  
20 the continuing education requirement in this Section,  
21 including the domestic violence and sexual assault awareness  
22 education requirement, and shall adopt rules defining the  
23 standards and criteria for such waiver, under the following  
24 circumstances:

25           (a) the licensee resides in a locality where it is  
26 demonstrated that the absence of opportunities for such

1 education would interfere with the ability of the licensee  
2 to provide service to the public;

3 (b) the licensee's compliance with the continuing  
4 education requirements would cause a substantial financial  
5 hardship on the licensee;

6 (c) the licensee is serving in the United States Armed  
7 Forces; or

8 (d) the licensee is incapacitated due to illness.

9 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15;  
10 99-766, eff. 1-1-17.)

11 (225 ILCS 410/Art. IIID heading)

12 ARTICLE IIID. COSMETOLOGY, ESTHETICS, ~~HAIR BRAIDING,~~

13 AND NAIL TECHNOLOGY SALONS AND BARBER SHOPS

14 (Source: P.A. 96-1246, eff. 1-1-11.)

15 (225 ILCS 410/3D-5)

16 (Section scheduled to be repealed on January 1, 2026)

17 Sec. 3D-5. Requisites for ownership or operation of  
18 cosmetology, esthetics, ~~hair braiding,~~ and nail technology  
19 salons and barber shops.

20 (a) No person, firm, partnership, limited liability  
21 company, or corporation shall own or operate a cosmetology,  
22 esthetics, ~~hair braiding,~~ or nail technology salon or barber  
23 shop or employ, rent space to, or independently contract with  
24 any licensee under this Act without applying on forms provided

1 by the Department for a certificate of registration.

2 (b) The application for a certificate of registration under  
3 this Section shall set forth the name, address, and telephone  
4 number of the proposed cosmetology, esthetics, ~~hair braiding,~~  
5 or nail technology salon or barber shop; the name, address, and  
6 telephone number of the person, firm, partnership, or  
7 corporation that is to own or operate the salon or shop; and,  
8 if the salon or shop is to be owned or operated by an entity  
9 other than an individual, the name, address, and telephone  
10 number of the managing partner or the chief executive officer  
11 of the corporation or other entity that owns or operates the  
12 salon or shop.

13 (c) The Department shall be notified by the owner or  
14 operator of a salon or shop that is moved to a new location. If  
15 there is a change in the ownership or operation of a salon or  
16 shop, the new owner or operator shall report that change to the  
17 Department along with completion of any additional  
18 requirements set forth by rule.

19 (d) If a person, firm, partnership, limited liability  
20 company, or corporation owns or operates more than one shop or  
21 salon, a separate certificate of registration must be obtained  
22 for each salon or shop.

23 (e) A certificate of registration granted under this  
24 Section may be revoked in accordance with the provisions of  
25 Article IV and the holder of the certificate may be otherwise  
26 disciplined by the Department in accordance with rules adopted

1 under this Act.

2 (f) The Department may promulgate rules to establish  
3 additional requirements for owning or operating a salon or  
4 shop.

5 (g) The requirement of a certificate of registration as set  
6 forth in this Section shall also apply to any person, firm,  
7 partnership, limited liability company, or corporation  
8 providing barbering, cosmetology, esthetics, ~~hair braiding~~, or  
9 nail technology services at any location not owned or rented by  
10 such person, firm, partnership, limited liability company, or  
11 corporation for these purposes or from a mobile shop or salon.  
12 Notwithstanding any provision of this Section, applicants for a  
13 certificate of registration under this subsection (g) shall  
14 report in its application the address and telephone number of  
15 its office and shall not be required to report the location  
16 where services are or will be rendered. Nothing in this  
17 subsection (g) shall apply to a sole proprietor who has no  
18 employees or contractors and is not operating a mobile shop or  
19 salon.

20 (Source: P.A. 99-427, eff. 8-21-15.)

21 (225 ILCS 410/4-1)

22 (Section scheduled to be repealed on January 1, 2026)

23 Sec. 4-1. Powers and duties of Department. The Department  
24 shall exercise, subject to the provisions of this Act, the  
25 following functions, powers and duties:

1           (1) To cause to be conducted examinations to ascertain  
2 the qualifications and fitness of applicants for licensure  
3 as cosmetologists, estheticians, nail technicians, ~~hair~~  
4 ~~braiders,~~ or barbers and as cosmetology, esthetics, nail  
5 technology, ~~hair braiding,~~ or barber teachers.

6           (2) To determine the qualifications for licensure as  
7 (i) a cosmetologist, esthetician, nail technician, ~~hair~~  
8 ~~braider,~~ or barber, or (ii) a cosmetology, esthetics, nail  
9 technology, ~~hair braiding,~~ or barber teacher, or (iii) a  
10 cosmetology clinic teacher for persons currently holding  
11 similar licenses outside the State of Illinois or the  
12 continental U.S.

13           (3) To prescribe rules for:

14           (i) The method of examination of candidates for  
15 licensure as a cosmetologist, esthetician, nail  
16 technician, ~~hair braider,~~ or barber or cosmetology,  
17 esthetics, nail technology, ~~hair braiding,~~ or barber  
18 teacher.

19           (ii) Minimum standards as to what constitutes an  
20 approved cosmetology, esthetics, nail technology, ~~hair~~  
21 ~~braiding,~~ or barber school.

22           (4) To conduct investigations or hearings on  
23 proceedings to determine disciplinary action.

24           (5) To prescribe reasonable rules governing the  
25 sanitary regulation and inspection of cosmetology,  
26 esthetics, nail technology, ~~hair braiding,~~ or barber



1 schools, salons, or shops.

2 (6) To prescribe reasonable rules for the method of  
3 renewal for each license as a cosmetologist, esthetician,  
4 nail technician, ~~hair braider,~~ or barber or cosmetology,  
5 esthetics, nail technology, ~~hair braiding,~~ or barber  
6 teacher or cosmetology clinic teacher.

7 (7) To prescribe reasonable rules for the method of  
8 registration, the issuance, fees, renewal and discipline  
9 of a certificate of registration for the ownership or  
10 operation of cosmetology, esthetics, ~~hair braiding,~~ and  
11 nail technology salons and barber shops.

12 (8) To adopt rules concerning sanitation requirements,  
13 requirements for education on sanitation, and any other  
14 health concerns associated with threading.

15 (Source: P.A. 97-333, eff. 8-12-11; 98-911, eff. 1-1-15.)

16 (225 ILCS 410/4-2) (from Ch. 111, par. 1704-2)

17 (Section scheduled to be repealed on January 1, 2026)

18 Sec. 4-2. The Barber, Cosmetology, Esthetics, ~~Hair~~  
19 ~~Braiding,~~ and Nail Technology Board. There is established  
20 within the Department the Barber, Cosmetology, Esthetics, ~~Hair~~  
21 ~~Braiding,~~ and Nail Technology Board, composed of 10 ~~11~~ persons,  
22 which shall serve in an advisory capacity to the Secretary in  
23 all matters related to the practice of barbering, cosmetology,  
24 esthetics, ~~hair braiding,~~ and nail technology.

25 The 10 ~~11~~ members of the Board shall be appointed as

1 follows: 6 licensed cosmetologists, all of whom hold a current  
2 license as a cosmetologist or cosmetology teacher and, for  
3 appointments made after the effective date of this amendatory  
4 Act of 1996, at least 2 of whom shall be an owner of or a major  
5 stockholder in a school of cosmetology, 2 of whom shall be  
6 representatives of either a franchiser or an owner operating  
7 salons in 2 or more locations within the State, one of whom  
8 shall be an independent salon owner, and no one of the  
9 cosmetologist members shall be a manufacturer, jobber, or  
10 stockholder in a factory of cosmetology articles or an  
11 immediate family member of any of the above; one of whom shall  
12 be a barber holding a current license; one member who shall be  
13 a licensed esthetician or esthetics teacher; one member who  
14 shall be a licensed nail technician or nail technology teacher;  
15 ~~one member who shall be a licensed hair braider or hair~~  
16 ~~braiding teacher,~~ and one public member who holds no licenses  
17 issued by the Department. The Secretary shall give due  
18 consideration for membership to recommendations by members of  
19 the professions and by their professional organizations.  
20 Members shall serve 4 year terms and until their successors are  
21 appointed and qualified. No member shall be reappointed to the  
22 Board for more than 2 terms. Appointments to fill vacancies  
23 shall be made in the same manner as original appointments for  
24 the unexpired portion of the vacated term. Members of the Board  
25 in office on the effective date of this amendatory Act of 1996  
26 shall continue to serve for the duration of the terms to which

1 they have been appointed, but beginning on that effective date  
2 all appointments of licensed cosmetologists and barbers to  
3 serve as members of the Board shall be made in a manner that  
4 will effect at the earliest possible date the changes made by  
5 this amendatory Act of 1996 in the representative composition  
6 of the Board.

7 ~~For the initial appointment of a member who shall be a hair~~  
8 ~~braider or hair braiding teacher to the Board, such individual~~  
9 ~~shall not be required to possess a license at the time of~~  
10 ~~appointment, but shall have at least 5 years active practice in~~  
11 ~~the field of hair braiding and shall obtain a license as a hair~~  
12 ~~braider or a hair braiding teacher within 18 months after~~  
13 ~~appointment to the Board.~~

14 Six members of the Board shall constitute a quorum. A  
15 majority is required for Board decisions.

16 The Board shall elect a chairperson and a vice chairperson  
17 annually.

18 Board members are not liable for their acts, omissions,  
19 decisions, or other conduct in connection with their duties on  
20 the Board, except those determined to be willful, wanton, or  
21 intentional misconduct.

22 (Source: P.A. 99-427, eff. 8-21-15.)

23 (225 ILCS 410/4-4) (from Ch. 111, par. 1704-4)

24 (Section scheduled to be repealed on January 1, 2026)

25 Sec. 4-4. Issuance of license. Whenever the provisions of

1 this Act have been complied with, the Department shall issue a  
2 license as a cosmetologist, esthetician, nail technician, ~~hair~~  
3 ~~braider,~~ or barber, a license as a cosmetology, esthetics, nail  
4 technology, ~~hair braiding,~~ or barber teacher, or a license as a  
5 cosmetology clinic teacher as the case may be.

6 (Source: P.A. 98-911, eff. 1-1-15.)

7 (225 ILCS 410/4-6.1)

8 Sec. 4-6.1. Applicant convictions.

9 (a) When reviewing a conviction by plea of guilty or nolo  
10 contendere, finding of guilt, jury verdict, or entry of  
11 judgment or by sentencing of an initial applicant, the  
12 Department may only deny a license based upon consideration of  
13 mitigating factors provided in subsection (c) of this Section  
14 for a felony directly related to the practice of cosmetology,  
15 esthetics, ~~hair braiding,~~ nail technology, and barbering.

16 (b) The following crimes or similar offenses in any other  
17 jurisdiction are hereby deemed directly related to the practice  
18 of cosmetology, esthetics, ~~hair braiding,~~ nail technology, and  
19 barbering:

- 20 (1) first degree murder;
- 21 (2) second degree murder;
- 22 (3) drug induced homicide;
- 23 (4) unlawful restraint;
- 24 (5) aggravated unlawful restraint;
- 25 (6) forcible detention;

- 1 (7) involuntary servitude;
- 2 (8) involuntary sexual servitude of a minor;
- 3 (9) predatory criminal sexual assault of a child;
- 4 (10) aggravated criminal sexual assault;
- 5 (11) criminal sexual assault;
- 6 (12) criminal sexual abuse;
- 7 (13) aggravated kidnaping;
- 8 (14) aggravated robbery;
- 9 (15) armed robbery;
- 10 (16) kidnaping;
- 11 (17) aggravated battery;
- 12 (18) aggravated vehicular hijacking;
- 13 (19) terrorism;
- 14 (20) causing a catastrophe;
- 15 (21) possession of a deadly substance;
- 16 (22) making a terrorist threat;
- 17 (23) material support for terrorism;
- 18 (24) hindering prosecution of terrorism;
- 19 (25) armed violence;
- 20 (26) any felony based on consumer fraud or deceptive  
21 business practices under the Consumer Fraud and Deceptive  
22 Business Practices Act;
- 23 (27) any felony requiring registration as a sex  
24 offender under the Sex Offender Registration Act;
- 25 (28) attempt of any the offenses set forth in  
26 paragraphs (1) through (27) of this subsection (b); and

1 (29) convictions set forth in Section 4-20 of this Act.

2 (c) The Department shall consider any mitigating factors  
3 contained in the record, when determining the appropriate  
4 disciplinary sanction, if any, to be imposed. In addition to  
5 those set forth in Section 2105-130 of the Department of  
6 Professional Regulation Law of the Civil Administrative Code of  
7 Illinois, mitigating factors shall include the following:

8 (1) the bearing, if any, the criminal offense or  
9 offenses for which the person was previously convicted will  
10 have on his or her fitness or ability to perform one or  
11 more such duties and responsibilities;

12 (2) the time that has elapsed since the criminal  
13 conviction; and

14 (3) the age of the person at the time of the criminal  
15 conviction.

16 (d) The Department shall issue an annual report by January  
17 31, 2018 and by January 31 each year thereafter, indicating the  
18 following:

19 (1) the number of initial applicants for a license  
20 under this Act within the preceding calendar year;

21 (2) the number of initial applicants for a license  
22 under this Act within the previous calendar year who had a  
23 conviction;

24 (3) the number of applicants with a conviction who were  
25 granted a license under this Act within the previous year;

26 (4) the number of applicants denied a license under

1 this Act within the preceding calendar year; and

2 (5) the number of applicants denied a license under  
3 this Act solely on the basis of a conviction within the  
4 preceding calendar year.

5 (e) Nothing in this Section shall prevent the Department  
6 taking disciplinary or non-disciplinary action against a  
7 license as set forth in paragraph (2) of subsection (1) of  
8 Section 4-7 of this Act.

9 (Source: P.A. 99-876, eff. 1-1-17.)

10 (225 ILCS 410/4-7) (from Ch. 111, par. 1704-7)

11 (Section scheduled to be repealed on January 1, 2026)

12 Sec. 4-7. Refusal, suspension and revocation of licenses;  
13 causes; disciplinary action.

14 (1) The Department may refuse to issue or renew, and may  
15 suspend, revoke, place on probation, reprimand or take any  
16 other disciplinary or non-disciplinary action as the  
17 Department may deem proper, including civil penalties not to  
18 exceed \$500 for each violation, with regard to any license for  
19 any one, or any combination, of the following causes:

20 a. For licensees, conviction of any crime under the  
21 laws of the United States or any state or territory thereof  
22 that is (i) a felony, (ii) a misdemeanor, an essential  
23 element of which is dishonesty, or (iii) a crime which is  
24 related to the practice of the profession and, for initial  
25 applicants, convictions set forth in Section 4-6.1 of this

1 Act.

2 b. Conviction of any of the violations listed in  
3 Section 4-20.

4 c. Material misstatement in furnishing information to  
5 the Department.

6 d. Making any misrepresentation for the purpose of  
7 obtaining a license or violating any provision of this Act  
8 or its rules.

9 e. Aiding or assisting another person in violating any  
10 provision of this Act or its rules.

11 f. Failing, within 60 days, to provide information in  
12 response to a written request made by the Department.

13 g. Discipline by another state, territory, or country  
14 if at least one of the grounds for the discipline is the  
15 same as or substantially equivalent to those set forth in  
16 this Act.

17 h. Practice in the barber, nail technology, esthetics,  
18 ~~hair braiding,~~ or cosmetology profession, or an attempt to  
19 practice in those professions, by fraudulent  
20 misrepresentation.

21 i. Gross malpractice or gross incompetency.

22 j. Continued practice by a person knowingly having an  
23 infectious or contagious disease.

24 k. Solicitation of professional services by using  
25 false or misleading advertising.

26 l. A finding by the Department that the licensee, after



1           having his or her license placed on probationary status,  
2           has violated the terms of probation.

3           m. Directly or indirectly giving to or receiving from  
4           any person, firm, corporation, partnership or association  
5           any fee, commission, rebate, or other form of compensation  
6           for any professional services not actually or personally  
7           rendered.

8           n. Violating any of the provisions of this Act or rules  
9           adopted pursuant to this Act.

10          o. Willfully making or filing false records or reports  
11          relating to a licensee's practice, including but not  
12          limited to, false records filed with State agencies or  
13          departments.

14          p. Habitual or excessive use or addiction to alcohol,  
15          narcotics, stimulants, or any other chemical agent or drug  
16          that results in the inability to practice with reasonable  
17          judgment, skill or safety.

18          q. Engaging in dishonorable, unethical or  
19          unprofessional conduct of a character likely to deceive,  
20          defraud, or harm the public as may be defined by rules of  
21          the Department, or violating the rules of professional  
22          conduct which may be adopted by the Department.

23          r. Permitting any person to use for any unlawful or  
24          fraudulent purpose one's diploma or license or certificate  
25          of registration as a cosmetologist, nail technician,  
26          esthetician, ~~hair braider,~~ or barber or cosmetology, nail

1 technology, esthetics, ~~hair braiding~~, or barber teacher or  
2 salon or shop or cosmetology clinic teacher.

3 s. Being named as a perpetrator in an indicated report  
4 by the Department of Children and Family Services under the  
5 Abused and Neglected Child Reporting Act and upon proof by  
6 clear and convincing evidence that the licensee has caused  
7 a child to be an abused child or neglected child as defined  
8 in the Abused and Neglected Child Reporting Act.

9 t. Operating a salon or shop without a valid  
10 registration.

11 u. Failure to complete required continuing education  
12 hours.

13 (2) In rendering an order, the Secretary shall take into  
14 consideration the facts and circumstances involving the type of  
15 acts or omissions in paragraph (1) of this Section including,  
16 but not limited to:

17 (a) the extent to which public confidence in the  
18 cosmetology, nail technology, esthetics, ~~hair braiding~~, or  
19 barbering profession was, might have been, or may be,  
20 injured;

21 (b) the degree of trust and dependence among the  
22 involved parties;

23 (c) the character and degree of harm which did result  
24 or might have resulted;

25 (d) the intent or mental state of the licensee at the  
26 time of the acts or omissions.

1           (3) The Department may reissue the license or registration  
2 upon certification by the Board that the disciplined licensee  
3 or registrant has complied with all of the terms and conditions  
4 set forth in the final order or has been sufficiently  
5 rehabilitated to warrant the public trust.

6           (4) The Department shall refuse to issue or renew or  
7 suspend without hearing the license or certificate of  
8 registration of any person who fails to file a return, or to  
9 pay the tax, penalty or interest shown in a filed return, or to  
10 pay any final assessment of tax, penalty or interest, as  
11 required by any tax Act administered by the Illinois Department  
12 of Revenue, until such time as the requirements of any such tax  
13 Act are satisfied as determined by the Department of Revenue.

14           (5) The Department shall deny without hearing any  
15 application for a license or renewal of a license under this  
16 Act by a person who has defaulted on an educational loan  
17 guaranteed by the Illinois Student Assistance Commission;  
18 however, the Department may issue or renew a license if the  
19 person in default has established a satisfactory repayment  
20 record as determined by the Illinois Student Assistance  
21 Commission.

22           (6) All fines imposed under this Section shall be paid  
23 within 60 days after the effective date of the order imposing  
24 the fine or in accordance with the terms set forth in the order  
25 imposing the fine.

26           (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15;

1 99-876, eff. 1-1-17.)

2 (225 ILCS 410/4-9) (from Ch. 111, par. 1704-9)

3 (Section scheduled to be repealed on January 1, 2026)

4 Sec. 4-9. Practice without a license or after suspension or  
5 revocation thereof.

6 (a) If any person violates the provisions of this Act, the  
7 Secretary may, in the name of the People of the State of  
8 Illinois, through the Attorney General of the State of  
9 Illinois, petition, for an order enjoining such violation or  
10 for an order enforcing compliance with this Act. Upon the  
11 filing of a verified petition in such court, the court may  
12 issue a temporary restraining order, without notice or bond,  
13 and may preliminarily and permanently enjoin such violation,  
14 and if it is established that such person has violated or is  
15 violating the injunction, the Court may punish the offender for  
16 contempt of court. Proceedings under this Section shall be in  
17 addition to, and not in lieu of, all other remedies and  
18 penalties provided by this Act.

19 (b) If any person shall practice as a barber,  
20 cosmetologist, nail technician, ~~hair braider,~~ or esthetician,  
21 or teacher thereof or cosmetology clinic teacher or hold  
22 himself or herself out as such without being licensed under the  
23 provisions of this Act, any licensee, any interested party, or  
24 any person injured thereby may, in addition to the Secretary,  
25 petition for relief as provided in subsection (a) of this

1 Section.

2 (c) Whenever in the opinion of the Department any person,  
3 firm, corporation, or other legal entity has violated any  
4 provision of Section 1-7 or 3D-5 of this Act, the Department  
5 may issue a rule to show cause why an order to cease and desist  
6 should not be entered against that person, firm, corporation,  
7 or legal entity. The rule shall clearly set forth the grounds  
8 relied upon by the Department and shall provide a period of 7  
9 days from the date of the rule to file an answer to the  
10 satisfaction of the Department. Failure to answer to the  
11 satisfaction of the Department shall cause an order to cease  
12 and desist to be issued immediately.

13 (Source: P.A. 98-911, eff. 1-1-15; 99-427, eff. 8-21-15.)

14 (225 ILCS 410/4-19) (from Ch. 111, par. 1704-19)

15 (Section scheduled to be repealed on January 1, 2026)

16 Sec. 4-19. Emergency suspension. The Secretary may  
17 temporarily suspend the license of a barber, cosmetologist,  
18 nail technician, ~~hair braider~~, esthetician or teacher thereof  
19 or of a cosmetology clinic teacher without a hearing,  
20 simultaneously with the institution of proceedings for a  
21 hearing provided for in Section 4-10 of this Act, if the  
22 Secretary finds that evidence in his possession indicates that  
23 the licensee's continuation in practice would constitute an  
24 imminent danger to the public. In the event that the Secretary  
25 suspends, temporarily, this license without a hearing, a

1 hearing must be commenced within 30 days after such suspension  
2 has occurred.

3 (Source: P.A. 98-911, eff. 1-1-15.)

4 (225 ILCS 410/4-20) (from Ch. 111, par. 1704-20)

5 (Section scheduled to be repealed on January 1, 2026)

6 Sec. 4-20. Violations; penalties. Whoever violates any of  
7 the following shall, for the first offense, be guilty of a  
8 Class B misdemeanor; for the second offense, shall be guilty of  
9 a Class A misdemeanor; and for all subsequent offenses, shall  
10 be guilty of a Class 4 felony and be fined not less than \$1,000  
11 or more than \$5,000.

12 (1) The practice of cosmetology, nail technology,  
13 esthetics, ~~hair braiding~~, or barbering or an attempt to  
14 practice cosmetology, nail technology, esthetics, ~~hair~~  
15 ~~braiding~~, or barbering without a license as a cosmetologist,  
16 nail technician, esthetician, ~~hair braider~~, or barber; or the  
17 practice or attempt to practice as a cosmetology, nail  
18 technology, esthetics, ~~hair braiding~~, or barber teacher  
19 without a license as a cosmetology, nail technology, esthetics,  
20 ~~hair braiding~~, or barber teacher; or the practice or attempt to  
21 practice as a cosmetology clinic teacher without a proper  
22 license.

23 (2) The obtaining of or an attempt to obtain a license or  
24 money or any other thing of value by fraudulent  
25 misrepresentation.

1 (3) Practice in the barber, nail technology, cosmetology,  
2 ~~hair braiding~~, or esthetic profession, or an attempt to  
3 practice in those professions, by fraudulent  
4 misrepresentation.

5 (4) Wilfully making any false oath or affirmation whenever  
6 an oath or affirmation is required by this Act.

7 (5) The violation of any of the provisions of this Act.  
8 (Source: P.A. 98-911, eff. 1-1-15.)

9 (225 ILCS 410/Art. IIIIE rep.)

10 Section 75. The Barber, Cosmetology, Esthetics, Hair  
11 Braiding, and Nail Technology Act of 1985 is amended by  
12 repealing Article IIIIE.

13 (225 ILCS 430/Act rep.)

14 Section 80. The Detection of Deception Examiners Act is  
15 repealed.

16 Section 85. The Real Estate License Act of 2000 is amended  
17 by changing Sections 1-10, 5-20, 20-20, and 20-85 as follows:

18 (225 ILCS 454/1-10)

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

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

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

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

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

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

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

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

25 "Board" means the Real Estate Administration and  
26 Disciplinary Board of the Department as created by Section



1 25-10 of this Act.

2 "Branch office" means a sponsoring broker's office other  
3 than the sponsoring broker's principal office.

4 "Broker" means an individual, partnership, limited  
5 liability company, corporation, or registered limited  
6 liability partnership other than a leasing agent who, whether  
7 in person or through any media or technology, for another and  
8 for compensation, or with the intention or expectation of  
9 receiving compensation, either directly or indirectly:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 "Client" means a person who is being represented by a  
7 licensee.

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

21 "Compensation" means the valuable consideration given by  
22 one person or entity to another person or entity in exchange  
23 for the performance of some activity or service. Compensation  
24 shall include the transfer of valuable consideration,  
25 including without limitation the following:

- 26 (1) commissions;

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

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

- 22 (1) the client permits the disclosure of information
- 23 given by that client by word or conduct;
- 24 (2) the disclosure is required by law; or
- 25 (3) the information becomes public from a source other
- 26 than the licensee.

1 "Confidential information" shall not be considered to  
2 include material information about the physical condition of  
3 the property.

4 "Consumer" means a person or entity seeking or receiving  
5 licensed activities.

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

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

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

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

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

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

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

26 "Dual agency" means an agency relationship in which a

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

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

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

24 "Electronic means of proctoring" means a methodology  
25 providing assurance that the person taking a test and  
26 completing the answers to questions is the person seeking

1 licensure or credit for continuing education and is doing so  
2 without the aid of a third party or other device.

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

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

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

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

21 "Leasing Agent" means a person who is employed by a broker  
22 to engage in licensed activities limited to leasing residential  
23 real estate who has obtained a license as provided for in  
24 Section 5-5 of this Act.

25 "License" means the document issued by the Department  
26 certifying that the person named thereon has fulfilled all

1 requirements prerequisite to licensure under this Act.

2 "Licensed activities" means those activities listed in the  
3 definition of "broker" under this Section.

4 "Licensee" means any person, as defined in this Section,  
5 who holds a valid unexpired license as a managing broker,  
6 broker, or leasing agent.

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

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

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

18 "Ministerial acts" means those acts that a licensee may  
19 perform for a consumer that are informative or clerical in  
20 nature and do not rise to the level of active representation on  
21 behalf of a consumer. Examples of these acts include without  
22 limitation (i) responding to phone inquiries by consumers as to  
23 the availability and pricing of brokerage services, (ii)  
24 responding to phone inquiries from a consumer concerning the  
25 price or location of property, (iii) attending an open house  
26 and responding to questions about the property from a consumer,



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

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

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

21 "Personal assistant" means a licensed or unlicensed person  
22 who has been hired for the purpose of aiding or assisting a  
23 sponsored licensee in the performance of the sponsored  
24 licensee's job.

25 "Pocket card" means the card issued by the Department to  
26 signify that the person named on the card is currently licensed

1 under this Act.

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

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

9 "Proctor" means any person, including, but not limited to,  
10 an instructor, who has a written agreement to administer  
11 examinations fairly and impartially with a licensed  
12 pre-license school or a licensed continuing education school.

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

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

1 the twenty factor test.

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

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

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

13 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15;  
14 99-227, eff. 8-3-15.)

15 (225 ILCS 454/5-20)

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

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

20 (1) Any person, partnership, or corporation that as  
21 owner or lessor performs any of the acts described in the  
22 definition of "broker" under Section 1-10 of this Act with  
23 reference to property owned or leased by it, or to the  
24 regular employees thereof with respect to the property so  
25 owned or leased, where such acts are performed in the

1 regular course of or as an incident to the management,  
2 sale, or other disposition of such property and the  
3 investment therein, provided that such regular employees  
4 do not perform any of the acts described in the definition  
5 of "broker" under Section 1-10 of this Act in connection  
6 with a vocation of selling or leasing any real estate or  
7 the improvements thereon not so owned or leased.

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

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

17 (4) Any person acting as a resident manager for the  
18 owner or any employee acting as the resident manager for a  
19 broker managing an apartment building, duplex, or  
20 apartment complex, when the resident manager resides on the  
21 premises, the premises is his or her primary residence, and  
22 the resident manager is engaged in the leasing of the  
23 property of which he or she is the resident manager.

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

26 (6) Any officer or employee of the State government or

1 any political subdivision thereof performing official  
2 duties.

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

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

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

22 (10) Any resident lessee of a residential dwelling unit  
23 who refers for compensation to the owner of the dwelling  
24 unit, or to the owner's agent, prospective lessees of  
25 dwelling units in the same building or complex as the  
26 resident lessee's unit, but only if the resident lessee (i)

1       refers no more than 3 prospective lessees in any 12-month  
2       period, (ii) receives compensation of no more than \$1,500  
3       or the equivalent of one month's rent, whichever is less,  
4       in any 12-month period, and (iii) limits his or her  
5       activities to referring prospective lessees to the owner,  
6       or the owner's agent, and does not show a residential  
7       dwelling unit to a prospective lessee, discuss terms or  
8       conditions of leasing a dwelling unit with a prospective  
9       lessee, or otherwise participate in the negotiation of the  
10      leasing of a dwelling unit.

11       (11) The purchase, sale, or transfer of a timeshare or  
12      similar vacation item or interest, vacation club  
13      membership, or other activity formerly regulated under the  
14      Real Estate Timeshare Act of 1999 (repealed) ~~An exchange~~  
15      ~~company registered under the Real Estate Timeshare Act of~~  
16      ~~1999 and the regular employees of that registered exchange~~  
17      ~~company but only when conducting an exchange program as~~  
18      ~~defined in that Act.~~

19       (12) (Blank). ~~An existing timeshare owner who, for~~  
20      ~~compensation, refers prospective purchasers, but only if~~  
21      ~~the existing timeshare owner (i) refers no more than 20~~  
22      ~~prospective purchasers in any calendar year, (ii) receives~~  
23      ~~no more than \$1,000, or its equivalent, for referrals in~~  
24      ~~any calendar year and (iii) limits his or her activities to~~  
25      ~~referring prospective purchasers of timeshare interests to~~  
26      ~~the developer or the developer's employees or agents, and~~

1 ~~does not show, discuss terms or conditions of purchase or~~  
2 ~~otherwise participate in negotiations with regard to~~  
3 ~~timeshare interests.~~

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

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

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

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

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

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

25 (15) A hotel operator who is registered with the  
26 Illinois Department of Revenue and pays taxes under the

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

6 (Source: P.A. 98-553, eff. 1-1-14; 99-227, eff. 8-3-15.)

7 (225 ILCS 454/20-20)

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

9 Sec. 20-20. Grounds for discipline.

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

19 (1) Fraud or misrepresentation in applying for, or  
20 procuring, a license under this Act or in connection with  
21 applying for renewal of a license under this Act.

22 (2) The conviction of or plea of guilty or plea of nolo  
23 contendere to a felony or misdemeanor in this State or any  
24 other jurisdiction; or the entry of an administrative  
25 sanction by a government agency in this State or any other



1 jurisdiction. Action taken under this paragraph (2) for a  
2 misdemeanor or an administrative sanction is limited to a  
3 misdemeanor or administrative sanction that has as an  
4 essential element dishonesty or fraud or involves larceny,  
5 embezzlement, or obtaining money, property, or credit by  
6 false pretenses or by means of a confidence game.

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

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

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

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

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

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

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

8           (10) Making any substantial misrepresentation or  
9 untruthful advertising.

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

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

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

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

21          (15) Representing or attempting to represent a broker  
22 other than the sponsoring broker.

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

26          (17) Failure to maintain and deposit in a special

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

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

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

1 demand for the escrow moneys from one of the principals  
2 to the transaction or the principal's duly authorized  
3 agent.

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

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

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

17 (20) Failure of a sponsoring broker to timely provide  
18 information, sponsor cards, or termination of licenses to  
19 the Department.

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

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

25 (23) Employing any person on a purely temporary or  
26 single deal basis as a means of evading the law regarding

1 payment of commission to nonlicensees on some contemplated  
2 transactions.

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

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

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

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

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

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

23 (A) A "guaranteed sales plan" is any real estate  
24 purchase or sales plan whereby a licensee enters into a  
25 conditional or unconditional written contract with a  
26 seller, prior to entering into a brokerage agreement

1 with the seller, by the terms of which a licensee  
2 agrees to purchase a property of the seller within a  
3 specified period of time at a specific price in the  
4 event the property is not sold in accordance with the  
5 terms of a brokerage agreement to be entered into  
6 between the sponsoring broker and the seller.

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

10 (C) A licensee offering a guaranteed sales plan  
11 shall provide to the party to whom the plan is offered  
12 evidence of sufficient financial resources to satisfy  
13 the commitment to purchase undertaken by the broker in  
14 the plan.

15 (D) Any licensee offering a guaranteed sales plan  
16 shall undertake to market the property of the seller  
17 subject to the plan in the same manner in which the  
18 broker would market any other property, unless the  
19 agreement with the seller provides otherwise.

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

23 (F) Any licensee who fails to perform on a  
24 guaranteed sales plan in strict accordance with its  
25 terms shall be subject to all the penalties provided in  
26 this Act for violations thereof and, in addition, shall

1           be subject to a civil fine payable to the party injured  
2           by the default in an amount of up to \$25,000.

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

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

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

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

26          (34) When a licensee is also an attorney, acting as the

1 attorney for either the buyer or the seller in the same  
2 transaction in which the licensee is acting or has acted as  
3 a managing broker or broker.

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

17 (36) (Blank). ~~Disregarding or violating any provision~~  
18 ~~of the Land Sales Registration Act of 1989, the Illinois~~  
19 ~~Real Estate Time Share Act, or the published rules~~  
20 ~~promulgated by the Department to enforce those Acts.~~

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

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

25 (39) Requiring a party to a transaction who is not a  
26 client of the licensee to allow the licensee to retain a



1 portion of the escrow moneys for payment of the licensee's  
2 commission or expenses as a condition for release of the  
3 escrow moneys to that party.

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

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

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

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

23 (b) The Department may refuse to issue or renew or may  
24 suspend the license of any person who fails to file a return,  
25 pay the tax, penalty or interest shown in a filed return, or  
26 pay any final assessment of tax, penalty, or interest, as

1 required by any tax Act administered by the Department of  
2 Revenue, until such time as the requirements of that tax Act  
3 are satisfied in accordance with subsection (g) of Section  
4 2105-15 of the Civil Administrative Code of Illinois.

5 (c) The Department shall deny a license or renewal  
6 authorized by this Act to a person who has defaulted on an  
7 educational loan or scholarship provided or guaranteed by the  
8 Illinois Student Assistance Commission or any governmental  
9 agency of this State in accordance with item (5) of subsection  
10 (a) of Section 2105-15 of the Civil Administrative Code of  
11 Illinois.

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

23 (e) In enforcing this Section, the Department or Board upon  
24 a showing of a possible violation may compel an individual  
25 licensed to practice under this Act, or who has applied for  
26 licensure under this Act, to submit to a mental or physical

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

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

1 individual whose license was granted, continued, reinstated,  
2 renewed, disciplined or supervised subject to such terms,  
3 conditions, or restrictions, and who fails to comply with such  
4 terms, conditions, or restrictions, shall be referred to the  
5 Secretary for a determination as to whether the individual  
6 shall have his or her license suspended immediately, pending a  
7 hearing by the Department.

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

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

22 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;  
23 99-227, eff. 8-3-15.)

24 (225 ILCS 454/20-85)

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

1           Sec. 20-85. Recovery from Real Estate Recovery Fund. The  
2 Department shall maintain a Real Estate Recovery Fund from  
3 which any person aggrieved by an act, representation,  
4 transaction, or conduct of a licensee or unlicensed employee of  
5 a licensee that is in violation of this Act or the rules  
6 promulgated pursuant thereto, constitutes embezzlement of  
7 money or property, or results in money or property being  
8 unlawfully obtained from any person by false pretenses,  
9 artifice, trickery, or forgery or by reason of any fraud,  
10 misrepresentation, discrimination, or deceit by or on the part  
11 of any such licensee or the unlicensed employee of a licensee  
12 and that results in a loss of actual cash money, as opposed to  
13 losses in market value, may recover. The aggrieved person may  
14 recover, by a post-judgment order of the circuit court of the  
15 county where the violation occurred in a proceeding described  
16 in Section 20-90 of this Act, an amount of not more than  
17 \$25,000 from the Fund for damages sustained by the act,  
18 representation, transaction, or conduct, together with costs  
19 of suit and attorney's fees incurred in connection therewith of  
20 not to exceed 15% of the amount of the recovery ordered paid  
21 from the Fund. However, no person may recover from the Fund  
22 unless the court finds that the person suffered a loss  
23 resulting from intentional misconduct. The post-judgment order  
24 shall not include interest on the judgment. The maximum  
25 liability against the Fund arising out of any one act shall be  
26 as provided in this Section, and the post-judgment order shall

1 spread the award equitably among all co-owners or otherwise  
2 aggrieved persons, if any. The maximum liability against the  
3 Fund arising out of the activities of any one licensee or one  
4 unlicensed employee of a licensee, since January 1, 1974, shall  
5 be \$100,000. Nothing in this Section shall be construed to  
6 authorize recovery from the Fund unless the loss of the  
7 aggrieved person results from an act or omission of a licensee  
8 under this Act who was at the time of the act or omission  
9 acting in such capacity or was apparently acting in such  
10 capacity or their unlicensed employee and unless the aggrieved  
11 person has obtained a valid judgment and post-judgment order of  
12 the court as provided for in Section 20-90 of this Act. ~~No~~  
13 ~~person aggrieved by an act, representation, or transaction that~~  
14 ~~is in violation of the Illinois Real Estate Time Share Act or~~  
15 ~~the Land Sales Registration Act of 1989 may recover from the~~  
16 ~~Fund.~~

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

18 (225 ILCS 745/Act rep.)

19 Section 90. The Professional Geologist Licensing Act is  
20 repealed.

21 Section 95. The Adult Protective Services Act is amended by  
22 changing Section 2 as follows:

23 (320 ILCS 20/2) (from Ch. 23, par. 6602)

1           Sec. 2. Definitions. As used in this Act, unless the  
2 context requires otherwise:

3           (a) "Abuse" means causing any physical, mental or sexual  
4 injury to an eligible adult, including exploitation of such  
5 adult's financial resources.

6           Nothing in this Act shall be construed to mean that an  
7 eligible adult is a victim of abuse, neglect, or self-neglect  
8 for the sole reason that he or she is being furnished with or  
9 relies upon treatment by spiritual means through prayer alone,  
10 in accordance with the tenets and practices of a recognized  
11 church or religious denomination.

12           Nothing in this Act shall be construed to mean that an  
13 eligible adult is a victim of abuse because of health care  
14 services provided or not provided by licensed health care  
15 professionals.

16           (a-5) "Abuser" means a person who abuses, neglects, or  
17 financially exploits an eligible adult.

18           (a-6) "Adult with disabilities" means a person aged 18  
19 through 59 who resides in a domestic living situation and whose  
20 disability as defined in subsection (c-5) impairs his or her  
21 ability to seek or obtain protection from abuse, neglect, or  
22 exploitation.

23           (a-7) "Caregiver" means a person who either as a result of  
24 a family relationship, voluntarily, or in exchange for  
25 compensation has assumed responsibility for all or a portion of  
26 the care of an eligible adult who needs assistance with

1 activities of daily living or instrumental activities of daily  
2 living.

3 (b) "Department" means the Department on Aging of the State  
4 of Illinois.

5 (c) "Director" means the Director of the Department.

6 (c-5) "Disability" means a physical or mental disability,  
7 including, but not limited to, a developmental disability, an  
8 intellectual disability, a mental illness as defined under the  
9 Mental Health and Developmental Disabilities Code, or dementia  
10 as defined under the Alzheimer's Disease Assistance Act.

11 (d) "Domestic living situation" means a residence where the  
12 eligible adult at the time of the report lives alone or with  
13 his or her family or a caregiver, or others, or other  
14 community-based unlicensed facility, but is not:

15 (1) A licensed facility as defined in Section 1-113 of  
16 the Nursing Home Care Act;

17 (1.5) A facility licensed under the ID/DD Community  
18 Care Act;

19 (1.6) A facility licensed under the MC/DD Act;

20 (1.7) A facility licensed under the Specialized Mental  
21 Health Rehabilitation Act of 2013;

22 (2) A "life care facility" as defined in the Life Care  
23 Facilities Act;

24 (3) A home, institution, or other place operated by the  
25 federal government or agency thereof or by the State of  
26 Illinois;



1           (4) A hospital, sanitarium, or other institution, the  
2           principal activity or business of which is the diagnosis,  
3           care, and treatment of human illness through the  
4           maintenance and operation of organized facilities  
5           therefor, which is required to be licensed under the  
6           Hospital Licensing Act;

7           (5) A "community living facility" as defined in the  
8           Community Living Facilities Licensing Act;

9           (6) (Blank);

10          (7) A "community-integrated living arrangement" as  
11          defined in the Community-Integrated Living Arrangements  
12          Licensure and Certification Act or a "community  
13          residential alternative" as licensed under that Act;

14          (8) An assisted living or shared housing establishment  
15          as defined in the Assisted Living and Shared Housing Act;  
16          or

17          (9) A supportive living facility as described in  
18          Section 5-5.01a of the Illinois Public Aid Code.

19          (e) "Eligible adult" means either an adult with  
20          disabilities aged 18 through 59 or a person aged 60 or older  
21          who resides in a domestic living situation and is, or is  
22          alleged to be, abused, neglected, or financially exploited by  
23          another individual or who neglects himself or herself.

24          (f) "Emergency" means a situation in which an eligible  
25          adult is living in conditions presenting a risk of death or  
26          physical, mental or sexual injury and the provider agency has

1 reason to believe the eligible adult is unable to consent to  
2 services which would alleviate that risk.

3 (f-1) "Financial exploitation" means the use of an eligible  
4 adult's resources by another to the disadvantage of that adult  
5 or the profit or advantage of a person other than that adult.

6 (f-5) "Mandated reporter" means any of the following  
7 persons while engaged in carrying out their professional  
8 duties:

9 (1) a professional or professional's delegate while  
10 engaged in: (i) social services, (ii) law enforcement,  
11 (iii) education, (iv) the care of an eligible adult or  
12 eligible adults, or (v) any of the occupations required to  
13 be licensed under the Clinical Psychologist Licensing Act,  
14 the Clinical Social Work and Social Work Practice Act, the  
15 Illinois Dental Practice Act, the Dietitian Nutritionist  
16 Practice Act, the Marriage and Family Therapy Licensing  
17 Act, the Medical Practice Act of 1987, ~~the Naprapathic~~  
18 ~~Practice Act,~~ the Nurse Practice Act, the Nursing Home  
19 Administrators Licensing and Disciplinary Act, the  
20 Illinois Occupational Therapy Practice Act, the Illinois  
21 Optometric Practice Act of 1987, the Pharmacy Practice Act,  
22 the Illinois Physical Therapy Act, the Physician Assistant  
23 Practice Act of 1987, the Podiatric Medical Practice Act of  
24 1987, the Respiratory Care Practice Act, the Professional  
25 Counselor and Clinical Professional Counselor Licensing  
26 and Practice Act, the Illinois Speech-Language Pathology

1 and Audiology Practice Act, the Veterinary Medicine and  
2 Surgery Practice Act of 2004, and the Illinois Public  
3 Accounting Act;

4 (1.5) an employee of an entity providing developmental  
5 disabilities services or service coordination funded by  
6 the Department of Human Services;

7 (2) an employee of a vocational rehabilitation  
8 facility prescribed or supervised by the Department of  
9 Human Services;

10 (3) an administrator, employee, or person providing  
11 services in or through an unlicensed community based  
12 facility;

13 (4) any religious practitioner who provides treatment  
14 by prayer or spiritual means alone in accordance with the  
15 tenets and practices of a recognized church or religious  
16 denomination, except as to information received in any  
17 confession or sacred communication enjoined by the  
18 discipline of the religious denomination to be held  
19 confidential;

20 (5) field personnel of the Department of Healthcare and  
21 Family Services, Department of Public Health, and  
22 Department of Human Services, and any county or municipal  
23 health department;

24 (6) personnel of the Department of Human Services, the  
25 Guardianship and Advocacy Commission, the State Fire  
26 Marshal, local fire departments, the Department on Aging

1 and its subsidiary Area Agencies on Aging and provider  
2 agencies, and the Office of State Long Term Care Ombudsman;

3 (7) any employee of the State of Illinois not otherwise  
4 specified herein who is involved in providing services to  
5 eligible adults, including professionals providing medical  
6 or rehabilitation services and all other persons having  
7 direct contact with eligible adults;

8 (8) a person who performs the duties of a coroner or  
9 medical examiner; or

10 (9) a person who performs the duties of a paramedic or  
11 an emergency medical technician.

12 (g) "Neglect" means another individual's failure to  
13 provide an eligible adult with or willful withholding from an  
14 eligible adult the necessities of life including, but not  
15 limited to, food, clothing, shelter or health care. This  
16 subsection does not create any new affirmative duty to provide  
17 support to eligible adults. Nothing in this Act shall be  
18 construed to mean that an eligible adult is a victim of neglect  
19 because of health care services provided or not provided by  
20 licensed health care professionals.

21 (h) "Provider agency" means any public or nonprofit agency  
22 in a planning and service area that is selected by the  
23 Department or appointed by the regional administrative agency  
24 with prior approval by the Department on Aging to receive and  
25 assess reports of alleged or suspected abuse, neglect, or  
26 financial exploitation. A provider agency is also referenced as

1 a "designated agency" in this Act.

2 (i) "Regional administrative agency" means any public or  
3 nonprofit agency in a planning and service area that provides  
4 regional oversight and performs functions as set forth in  
5 subsection (b) of Section 3 of this Act. The Department shall  
6 designate an Area Agency on Aging as the regional  
7 administrative agency or, in the event the Area Agency on Aging  
8 in that planning and service area is deemed by the Department  
9 to be unwilling or unable to provide those functions, the  
10 Department may serve as the regional administrative agency or  
11 designate another qualified entity to serve as the regional  
12 administrative agency; any such designation shall be subject to  
13 terms set forth by the Department.

14 (i-5) "Self-neglect" means a condition that is the result  
15 of an eligible adult's inability, due to physical or mental  
16 impairments, or both, or a diminished capacity, to perform  
17 essential self-care tasks that substantially threaten his or  
18 her own health, including: providing essential food, clothing,  
19 shelter, and health care; and obtaining goods and services  
20 necessary to maintain physical health, mental health,  
21 emotional well-being, and general safety. The term includes  
22 compulsive hoarding, which is characterized by the acquisition  
23 and retention of large quantities of items and materials that  
24 produce an extensively cluttered living space, which  
25 significantly impairs the performance of essential self-care  
26 tasks or otherwise substantially threatens life or safety.

1 (j) "Substantiated case" means a reported case of alleged  
2 or suspected abuse, neglect, financial exploitation, or  
3 self-neglect in which a provider agency, after assessment,  
4 determines that there is reason to believe abuse, neglect, or  
5 financial exploitation has occurred.

6 (k) "Verified" means a determination that there is "clear  
7 and convincing evidence" that the specific injury or harm  
8 alleged was the result of abuse, neglect, or financial  
9 exploitation.

10 (Source: P.A. 98-49, eff. 7-1-13; 98-104, eff. 7-22-13; 98-756,  
11 eff. 7-16-14; 98-1039, eff. 8-25-14; 99-180, eff. 7-29-15.)

12 Section 100. The Environmental Protection Act is amended by  
13 changing Sections 22.51, 22.51a, 57.2, 57.8, 57.10, 58.2, 58.6,  
14 and 58.7 as follows:

15 (415 ILCS 5/22.51)

16 Sec. 22.51. Clean Construction or Demolition Debris Fill  
17 Operations.

18 (a) No person shall conduct any clean construction or  
19 demolition debris fill operation in violation of this Act or  
20 any regulations or standards adopted by the Board.

21 (b) (1) (A) Beginning August 18, 2005 but prior to July 1,  
22 2008, no person shall use clean construction or demolition  
23 debris as fill material in a current or former quarry, mine, or  
24 other excavation, unless they have applied for an interim

1 authorization from the Agency for the clean construction or  
2 demolition debris fill operation.

3 (B) The Agency shall approve an interim authorization upon  
4 its receipt of a written application for the interim  
5 authorization that is signed by the site owner and the site  
6 operator, or their duly authorized agent, and that contains the  
7 following information: (i) the location of the site where the  
8 clean construction or demolition debris fill operation is  
9 taking place, (ii) the name and address of the site owner,  
10 (iii) the name and address of the site operator, and (iv) the  
11 types and amounts of clean construction or demolition debris  
12 being used as fill material at the site.

13 (C) The Agency may deny an interim authorization if the  
14 site owner or the site operator, or their duly authorized  
15 agent, fails to provide to the Agency the information listed in  
16 subsection (b) (1) (B) of this Section. Any denial of an interim  
17 authorization shall be subject to appeal to the Board in  
18 accordance with the procedures of Section 40 of this Act.

19 (D) No person shall use clean construction or demolition  
20 debris as fill material in a current or former quarry, mine, or  
21 other excavation for which the Agency has denied interim  
22 authorization under subsection (b) (1) (C) of this Section. The  
23 Board may stay the prohibition of this subsection (D) during  
24 the pendency of an appeal of the Agency's denial of the interim  
25 authorization brought under subsection (b) (1) (C) of this  
26 Section.

1           (2) Beginning September 1, 2006, owners and operators of  
2 clean construction or demolition debris fill operations shall,  
3 in accordance with a schedule prescribed by the Agency, submit  
4 to the Agency applications for the permits required under this  
5 Section. The Agency shall notify owners and operators in  
6 writing of the due date for their permit application. The due  
7 date shall be no less than 90 days after the date of the  
8 Agency's written notification. Owners and operators who do not  
9 receive a written notification from the Agency by October 1,  
10 2007, shall submit a permit application to the Agency by  
11 January 1, 2008. The interim authorization of owners and  
12 operators who fail to submit a permit application to the Agency  
13 by the permit application's due date shall terminate on (i) the  
14 due date established by the Agency if the owner or operator  
15 received a written notification from the Agency prior to  
16 October 1, 2007, or (ii) or January 1, 2008, if the owner or  
17 operator did not receive a written notification from the Agency  
18 by October 1, 2007.

19           (3) On and after July 1, 2008, no person shall use clean  
20 construction or demolition debris as fill material in a current  
21 or former quarry, mine, or other excavation (i) without a  
22 permit granted by the Agency for the clean construction or  
23 demolition debris fill operation or in violation of any  
24 conditions imposed by such permit, including periodic reports  
25 and full access to adequate records and the inspection of  
26 facilities, as may be necessary to assure compliance with this



1 Act and with Board regulations and standards adopted under this  
2 Act or (ii) in violation of any regulations or standards  
3 adopted by the Board under this Act.

4 (4) This subsection (b) does not apply to:

5 (A) the use of clean construction or demolition debris  
6 as fill material in a current or former quarry, mine, or  
7 other excavation located on the site where the clean  
8 construction or demolition debris was generated;

9 (B) the use of clean construction or demolition debris  
10 as fill material in an excavation other than a current or  
11 former quarry or mine if this use complies with Illinois  
12 Department of Transportation specifications; or

13 (C) current or former quarries, mines, and other  
14 excavations that do not use clean construction or  
15 demolition debris as fill material.

16 (c) In accordance with Title VII of this Act, the Board may  
17 adopt regulations to promote the purposes of this Section. The  
18 Agency shall consult with the mining and construction  
19 industries during the development of any regulations to promote  
20 the purposes of this Section.

21 (1) No later than December 15, 2005, the Agency shall  
22 propose to the Board, and no later than September 1, 2006,  
23 the Board shall adopt, regulations for the use of clean  
24 construction or demolition debris as fill material in  
25 current and former quarries, mines, and other excavations.  
26 Such regulations shall include, but shall not be limited

1 to, standards for clean construction or demolition debris  
2 fill operations and the submission and review of permits  
3 required under this Section.

4 (2) Until the Board adopts rules under subsection  
5 (c)(1) of this Section, all persons using clean  
6 construction or demolition debris as fill material in a  
7 current or former quarry, mine, or other excavation shall:

8 (A) Assure that only clean construction or  
9 demolition debris is being used as fill material by  
10 screening each truckload of material received using a  
11 device approved by the Agency that detects volatile  
12 organic compounds. Such devices may include, but are  
13 not limited to, photo ionization detectors. All  
14 screening devices shall be operated and maintained in  
15 accordance with manufacturer's specifications.  
16 Unacceptable fill material shall be rejected from the  
17 site; and

18 (B) Retain for a minimum of 3 years the following  
19 information:

20 (i) The name of the hauler, the name of the  
21 generator, and place of origin of the debris or  
22 soil;

23 (ii) The approximate weight or volume of the  
24 debris or soil; and

25 (iii) The date the debris or soil was received.

26 (d) This Section applies only to clean construction or

1 demolition debris that is not considered "waste" as provided in  
2 Section 3.160 of this Act.

3 (e) For purposes of this Section:

4 (1) The term "operator" means a person responsible for  
5 the operation and maintenance of a clean construction or  
6 demolition debris fill operation.

7 (2) The term "owner" means a person who has any direct  
8 or indirect interest in a clean construction or demolition  
9 debris fill operation or in land on which a person operates  
10 and maintains a clean construction or demolition debris  
11 fill operation. A "direct or indirect interest" does not  
12 include the ownership of publicly traded stock. The "owner"  
13 is the "operator" if there is no other person who is  
14 operating and maintaining a clean construction or  
15 demolition debris fill operation.

16 (3) The term "clean construction or demolition debris  
17 fill operation" means a current or former quarry, mine, or  
18 other excavation where clean construction or demolition  
19 debris is used as fill material.

20 (4) The term "uncontaminated soil" shall have the same  
21 meaning as uncontaminated soil under Section 3.160 of this  
22 Act.

23 (f) (1) No later than one year after the effective date of  
24 this amendatory Act of the 96th General Assembly, the Agency  
25 shall propose to the Board, and, no later than one year after  
26 the Board's receipt of the Agency's proposal, the Board shall

1 adopt, rules for the use of clean construction or demolition  
2 debris and uncontaminated soil as fill material at clean  
3 construction or demolition debris fill operations. The rules  
4 must include standards and procedures necessary to protect  
5 groundwater, which may include, but shall not be limited to,  
6 the following: requirements regarding testing and  
7 certification of soil used as fill material, surface water  
8 runoff, liners or other protective barriers, monitoring  
9 (including, but not limited to, groundwater monitoring),  
10 corrective action, recordkeeping, reporting, closure and  
11 post-closure care, financial assurance, post-closure land use  
12 controls, location standards, and the modification of existing  
13 permits to conform to the requirements of this Act and Board  
14 rules. The rules may also include limits on the use of  
15 recyclable concrete and asphalt as fill material at clean  
16 construction or demolition debris fill operations, taking into  
17 account factors such as technical feasibility, economic  
18 reasonableness, and the availability of markets for such  
19 materials.

20 (2) Until the effective date of the Board rules adopted  
21 under subdivision (f)(1) of this Section, and in addition to  
22 any other requirements, owners and operators of clean  
23 construction or demolition debris fill operations must do all  
24 of the following in subdivisions (f)(2)(A) through (f)(2)(D) of  
25 this Section for all clean construction or demolition debris  
26 and uncontaminated soil accepted for use as fill material. The

1 requirements in subdivisions (f) (2) (A) through (f) (2) (D) of  
2 this Section shall not limit any rules adopted by the Board.

3 (A) Document the following information for each load of  
4 clean construction or demolition debris or uncontaminated  
5 soil received: (i) the name of the hauler, the address of  
6 the site of origin, and the owner and the operator of the  
7 site of origin of the clean construction or demolition  
8 debris or uncontaminated soil, (ii) the weight or volume of  
9 the clean construction or demolition debris or  
10 uncontaminated soil, and (iii) the date the clean  
11 construction or demolition debris or uncontaminated soil  
12 was received.

13 (B) For all soil, obtain either (i) a certification  
14 from the owner or operator of the site from which the soil  
15 was removed that the site has never been used for  
16 commercial or industrial purposes and is presumed to be  
17 uncontaminated soil or (ii) a certification from a licensed  
18 Professional Engineer or a professional geologist ~~licensed~~  
19 ~~Professional Geologist~~ that the soil is uncontaminated  
20 soil. Certifications required under this subdivision  
21 (f) (2) (B) must be on forms and in a format prescribed by  
22 the Agency.

23 (C) Confirm that the clean construction or demolition  
24 debris or uncontaminated soil was not removed from a site  
25 as part of a cleanup or removal of contaminants, including,  
26 but not limited to, activities conducted under the

1 Comprehensive Environmental Response, Compensation, and  
2 Liability Act of 1980, as amended; as part of a Closure or  
3 Corrective Action under the Resource Conservation and  
4 Recovery Act, as amended; or under an Agency remediation  
5 program, such as the Leaking Underground Storage Tank  
6 Program or Site Remediation Program, but excluding sites  
7 subject to Section 58.16 of this Act where there is no  
8 presence or likely presence of a release or a substantial  
9 threat of a release of a regulated substance at, on, or  
10 from the real property.

11 (D) Document all activities required under subdivision  
12 (f)(2) of this Section. Documentation of any chemical  
13 analysis must include, but is not limited to, (i) a copy of  
14 the lab analysis, (ii) accreditation status of the  
15 laboratory performing the analysis, and (iii)  
16 certification by an authorized agent of the laboratory that  
17 the analysis has been performed in accordance with the  
18 Agency's rules for the accreditation of environmental  
19 laboratories and the scope of accreditation.

20 (3) Owners and operators of clean construction or  
21 demolition debris fill operations must maintain all  
22 documentation required under subdivision (f)(2) of this  
23 Section for a minimum of 3 years following the receipt of each  
24 load of clean construction or demolition debris or  
25 uncontaminated soil, except that documentation relating to an  
26 appeal, litigation, or other disputed claim must be maintained

1 until at least 3 years after the date of the final disposition  
2 of the appeal, litigation, or other disputed claim. Copies of  
3 the documentation must be made available to the Agency and to  
4 units of local government for inspection and copying during  
5 normal business hours. The Agency may prescribe forms and  
6 formats for the documentation required under subdivision  
7 (f) (2) of this Section.

8 Chemical analysis conducted under subdivision (f) (2) of  
9 this Section must be conducted in accordance with the  
10 requirements of 35 Ill. Adm. Code 742, as amended, and "Test  
11 Methods for Evaluating Solid Waste, Physical/Chemical  
12 Methods", USEPA Publication No. SW-846, as amended.

13 (g) (1) No person shall use soil other than uncontaminated  
14 soil as fill material at a clean construction or demolition  
15 debris fill operation.

16 (2) No person shall use construction or demolition debris  
17 other than clean construction or demolition debris as fill  
18 material at a clean construction or demolition debris fill  
19 operation.

20 (Source: P.A. 96-1416, eff. 7-30-10; 97-137, eff. 7-14-11.)

21 (415 ILCS 5/22.51a)

22 Sec. 22.51a. Uncontaminated Soil Fill Operations.

23 (a) For purposes of this Section:

24 (1) The term "uncontaminated soil" shall have the same  
25 meaning as uncontaminated soil under Section 3.160 of this

1 Act.

2 (2) The term "uncontaminated soil fill operation"  
3 means a current or former quarry, mine, or other excavation  
4 where uncontaminated soil is used as fill material, but  
5 does not include a clean construction or demolition debris  
6 fill operation.

7 (b) No person shall use soil other than uncontaminated soil  
8 as fill material at an uncontaminated soil fill operation.

9 (c) Owners and operators of uncontaminated soil fill  
10 operations must register the fill operations with the Agency.  
11 Uncontaminated soil fill operations that received  
12 uncontaminated soil prior to the effective date of this  
13 amendatory Act of the 96th General Assembly must be registered  
14 with the Agency no later than March 31, 2011. Uncontaminated  
15 soil fill operations that first receive uncontaminated soil on  
16 or after the effective date of this amendatory Act of the 96th  
17 General Assembly must be registered with the Agency prior to  
18 the receipt of any uncontaminated soil. Registrations must be  
19 submitted on forms and in a format prescribed by the Agency.

20 (d) (1) No later than one year after the effective date of  
21 this amendatory Act of the 96th General Assembly, the Agency  
22 shall propose to the Board, and, no later than one year after  
23 the Board's receipt of the Agency's proposal, the Board shall  
24 adopt, rules for the use of uncontaminated soil as fill  
25 material at uncontaminated soil fill operations. The rules must  
26 include standards and procedures necessary to protect



1 groundwater, which shall include, but shall not be limited to,  
2 testing and certification of soil used as fill material and  
3 requirements for recordkeeping.

4 (2) Until the effective date of the Board rules adopted  
5 under subdivision (d) (1) of this Section, owners and operators  
6 of uncontaminated soil fill operations must do all of the  
7 following in subdivisions (d) (2) (A) through (d) (2) (F) of this  
8 Section for all uncontaminated soil accepted for use as fill  
9 material. The requirements in subdivisions (d) (2) (A) through  
10 (d) (2) (F) of this Section shall not limit any rules adopted by  
11 the Board.

12 (A) Document the following information for each load of  
13 uncontaminated soil received: (i) the name of the hauler,  
14 the address of the site of origin, and the owner and the  
15 operator of the site of origin of the uncontaminated soil,  
16 (ii) the weight or volume of the uncontaminated soil, and  
17 (iii) the date the uncontaminated soil was received.

18 (B) Obtain either (i) a certification from the owner or  
19 operator of the site from which the soil was removed that  
20 the site has never been used for commercial or industrial  
21 purposes and is presumed to be uncontaminated soil or (ii)  
22 a certification from a licensed Professional Engineer or a  
23 professional geologist ~~licensed Professional Geologist~~  
24 that the soil is uncontaminated soil. Certifications  
25 required under this subdivision (d) (2) (B) must be on forms  
26 and in a format prescribed by the Agency.

1           (C) Confirm that the uncontaminated soil was not  
2 removed from a site as part of a cleanup or removal of  
3 contaminants, including, but not limited to, activities  
4 conducted under the Comprehensive Environmental Response,  
5 Compensation, and Liability Act of 1980, as amended; as  
6 part of a Closure or Corrective Action under the Resource  
7 Conservation and Recovery Act, as amended; or under an  
8 Agency remediation program, such as the Leaking  
9 Underground Storage Tank Program or Site Remediation  
10 Program, but excluding sites subject to Section 58.16 of  
11 this Act where there is no presence or likely presence of a  
12 release or a substantial threat of a release of a regulated  
13 substance at, on, or from the real property.

14           (D) Visually inspect each load to confirm that only  
15 uncontaminated soil is being accepted for use as fill  
16 material.

17           (E) Screen each load of uncontaminated soil using a  
18 device that is approved by the Agency and detects volatile  
19 organic compounds. Such a device may include, but is not  
20 limited to, a photo ionization detector or a flame  
21 ionization detector. All screening devices shall be  
22 operated and maintained in accordance with the  
23 manufacturer's specifications. Unacceptable soil must be  
24 rejected from the fill operation.

25           (F) Document all activities required under subdivision  
26 (d)(2) of this Section. Documentation of any chemical

1 analysis must include, but is not limited to, (i) a copy of  
2 the lab analysis, (ii) accreditation status of the  
3 laboratory performing the analysis, and (iii)  
4 certification by an authorized agent of the laboratory that  
5 the analysis has been performed in accordance with the  
6 Agency's rules for the accreditation of environmental  
7 laboratories and the scope of accreditation.

8 (3) Owners and operators of uncontaminated soil fill  
9 operations must maintain all documentation required under  
10 subdivision (d)(2) of this Section for a minimum of 3 years  
11 following the receipt of each load of uncontaminated soil,  
12 except that documentation relating to an appeal, litigation, or  
13 other disputed claim must be maintained until at least 3 years  
14 after the date of the final disposition of the appeal,  
15 litigation, or other disputed claim. Copies of the  
16 documentation must be made available to the Agency and to units  
17 of local government for inspection and copying during normal  
18 business hours. The Agency may prescribe forms and formats for  
19 the documentation required under subdivision (d)(2) of this  
20 Section.

21 Chemical analysis conducted under subdivision (d)(2) of  
22 this Section must be conducted in accordance with the  
23 requirements of 35 Ill. Adm. Code 742, as amended, and "Test  
24 Methods for Evaluating Solid Waste, Physical/Chemical  
25 Methods", USEPA Publication No. SW-846, as amended.

26 (Source: P.A. 96-1416, eff. 7-30-10; 97-137, eff. 7-14-11.)

1 (415 ILCS 5/57.2)

2 Sec. 57.2. Definitions. As used in this Title:

3 "Audit" means a systematic inspection or examination of  
4 plans, reports, records, or documents to determine the  
5 completeness and accuracy of the data and conclusions contained  
6 therein.

7 "Bodily injury" means bodily injury, sickness, or disease  
8 sustained by a person, including death at any time, resulting  
9 from a release of petroleum from an underground storage tank.

10 "Release" means any spilling, leaking, emitting,  
11 discharging, escaping, leaching or disposing of petroleum from  
12 an underground storage tank into groundwater, surface water or  
13 subsurface soils.

14 "Fill material" means non-native or disturbed materials  
15 used to bed and backfill around an underground storage tank.

16 "Fund" means the Underground Storage Tank Fund.

17 "Heating Oil" means petroleum that is No. 1, No. 2, No. 4 -  
18 light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6  
19 technical grades of fuel oil; and other residual fuel oils  
20 including Navy Special Fuel Oil and Bunker C.

21 "Indemnification" means indemnification of an owner or  
22 operator for the amount of any judgment entered against the  
23 owner or operator in a court of law, for the amount of any  
24 final order or determination made against the owner or operator  
25 by an agency of State government or any subdivision thereof, or

1 for the amount of any settlement entered into by the owner or  
2 operator, if the judgment, order, determination, or settlement  
3 arises out of bodily injury or property damage suffered as a  
4 result of a release of petroleum from an underground storage  
5 tank owned or operated by the owner or operator.

6 "Corrective action" means activities associated with  
7 compliance with the provisions of Sections 57.6 and 57.7 of  
8 this Title.

9 "Occurrence" means an accident, including continuous or  
10 repeated exposure to conditions, that results in a sudden or  
11 nonsudden release from an underground storage tank.

12 When used in connection with, or when otherwise relating  
13 to, underground storage tanks, the terms "facility", "owner",  
14 "operator", "underground storage tank", "(UST)", "petroleum"  
15 and "regulated substance" shall have the meanings ascribed to  
16 them in Subtitle I of the Hazardous and Solid Waste Amendments  
17 of 1984 (P.L. 98-616), of the Resource Conservation and  
18 Recovery Act of 1976 (P.L. 94-580); provided however that the  
19 term "underground storage tank" shall also mean an underground  
20 storage tank used exclusively to store heating oil for  
21 consumptive use on the premises where stored and which serves  
22 other than a farm or residential unit; provided further however  
23 that the term "owner" shall also mean any person who has  
24 submitted to the Agency a written election to proceed under  
25 this Title and has acquired an ownership interest in a site on  
26 which one or more registered tanks have been removed, but on

1 which corrective action has not yet resulted in the issuance of  
2 a "no further remediation letter" by the Agency pursuant to  
3 this Title.

4 "Licensed Professional Engineer" means a person,  
5 corporation, or partnership licensed under the laws of the  
6 State of Illinois to practice professional engineering.

7 ~~"Licensed Professional Geologist" means a person licensed~~  
8 ~~under the laws of the State of Illinois to practice as a~~  
9 ~~professional geologist.~~

10 "Site" means any single location, place, tract of land or  
11 parcel of property including contiguous property not separated  
12 by a public right-of-way.

13 "Site investigation" means activities associated with  
14 compliance with the provisions of subsection (a) of Section  
15 57.7.

16 "Property damage" means physical injury to, destruction  
17 of, or contamination of tangible property, including all  
18 resulting loss of use of that property; or loss of use of  
19 tangible property that is not physically injured, destroyed, or  
20 contaminated, but has been evacuated, withdrawn from use, or  
21 rendered inaccessible because of a release of petroleum from an  
22 underground storage tank.

23 "Class I Groundwater" means groundwater that meets the  
24 Class I: Potable Resource Groundwater criteria set forth in the  
25 Board regulations adopted pursuant to the Illinois Groundwater  
26 Protection Act.

1 "Class III Groundwater" means groundwater that meets the  
2 Class III: Special Resource Groundwater criteria set forth in  
3 the Board regulations adopted pursuant to the Illinois  
4 Groundwater Protection Act.

5 (Source: P.A. 94-274, eff. 1-1-06.)

6 (415 ILCS 5/57.8)

7 Sec. 57.8. Underground Storage Tank Fund; payment; options  
8 for State payment; deferred correction election to commence  
9 corrective action upon availability of funds. If an owner or  
10 operator is eligible to access the Underground Storage Tank  
11 Fund pursuant to an Office of State Fire Marshal  
12 eligibility/deductible final determination letter issued in  
13 accordance with Section 57.9, the owner or operator may submit  
14 a complete application for final or partial payment to the  
15 Agency for activities taken in response to a confirmed release.  
16 An owner or operator may submit a request for partial or final  
17 payment regarding a site no more frequently than once every 90  
18 days.

19 (a) Payment after completion of corrective action  
20 measures. The owner or operator may submit an application for  
21 payment for activities performed at a site after completion of  
22 the requirements of Sections 57.6 and 57.7, or after completion  
23 of any other required activities at the underground storage  
24 tank site.

25 (1) In the case of any approved plan and budget for

1           which payment is being sought, the Agency shall make a  
2           payment determination within 120 days of receipt of the  
3           application. Such determination shall be considered a  
4           final decision. The Agency's review shall be limited to  
5           generally accepted auditing and accounting practices. In  
6           no case shall the Agency conduct additional review of any  
7           plan which was completed within the budget, beyond auditing  
8           for adherence to the corrective action measures in the  
9           proposal. If the Agency fails to approve the payment  
10          application within 120 days, such application shall be  
11          deemed approved by operation of law and the Agency shall  
12          proceed to reimburse the owner or operator the amount  
13          requested in the payment application. However, in no event  
14          shall the Agency reimburse the owner or operator an amount  
15          greater than the amount approved in the plan.

16                (2) If sufficient funds are available in the  
17                Underground Storage Tank Fund, the Agency shall, within 60  
18                days, forward to the Office of the State Comptroller a  
19                voucher in the amount approved under the payment  
20                application.

21                (3) In the case of insufficient funds, the Agency shall  
22                form a priority list for payment and shall notify persons  
23                in such priority list monthly of the availability of funds  
24                and when payment shall be made. Payment shall be made to  
25                the owner or operator at such time as sufficient funds  
26                become available for the costs associated with site



1 investigation and corrective action and costs expended for  
2 activities performed where no proposal is required, if  
3 applicable. Such priority list shall be available to any  
4 owner or operator upon request. Priority for payment shall  
5 be determined by the date the Agency receives a complete  
6 request for partial or final payment. Upon receipt of  
7 notification from the Agency that the requirements of this  
8 Title have been met, the Comptroller shall make payment to  
9 the owner or operator of the amount approved by the Agency,  
10 if sufficient money exists in the Fund. If there is  
11 insufficient money in the Fund, then payment shall not be  
12 made. If the owner or operator appeals a final Agency  
13 payment determination and it is determined that the owner  
14 or operator is eligible for payment or additional payment,  
15 the priority date for the payment or additional payment  
16 shall be the same as the priority date assigned to the  
17 original request for partial or final payment.

18 (4) Any deductible, as determined pursuant to the  
19 Office of the State Fire Marshal's eligibility and  
20 deductibility final determination in accordance with  
21 Section 57.9, shall be subtracted from any payment invoice  
22 paid to an eligible owner or operator. Only one deductible  
23 shall apply per underground storage tank site.

24 (5) In the event that costs are or will be incurred in  
25 addition to those approved by the Agency, or after payment,  
26 the owner or operator may submit successive plans

1 containing amended budgets. The requirements of Section  
2 57.7 shall apply to any amended plans.

3 (6) For purposes of this Section, a complete  
4 application shall consist of:

5 (A) A certification from a Licensed Professional  
6 Engineer or a professional geologist ~~Licensed~~  
7 ~~Professional Geologist~~ as required under this Title  
8 and acknowledged by the owner or operator.

9 (B) A statement of the amounts approved in the  
10 budget and the amounts actually sought for payment  
11 along with a certified statement by the owner or  
12 operator that the amounts so sought were expended in  
13 conformance with the approved budget.

14 (C) A copy of the Office of the State Fire  
15 Marshal's eligibility and deductibility determination.

16 (D) Proof that approval of the payment requested  
17 will not result in the limitations set forth in  
18 subsection (g) of this Section being exceeded.

19 (E) A federal taxpayer identification number and  
20 legal status disclosure certification on a form  
21 prescribed and provided by the Agency.

22 (F) If the Agency determined under subsection  
23 (c) (3) of Section 57.7 of this Act that corrective  
24 action must include a project labor agreement, a  
25 certification from the owner or operator that the  
26 corrective action was (i) performed under a project

1 labor agreement that meets the requirements of Section  
2 25 of the Project Labor Agreements Act and (ii)  
3 implemented in a manner consistent with the terms and  
4 conditions of the Project Labor Agreements Act and in  
5 full compliance with all statutes, regulations, and  
6 Executive Orders as required under that Act and the  
7 Prevailing Wage Act.

8 (b) Commencement of site investigation or corrective  
9 action upon availability of funds. The Board shall adopt  
10 regulations setting forth procedures based on risk to human  
11 health or the environment under which the owner or operator who  
12 has received approval for any budget plan submitted pursuant to  
13 Section 57.7, and who is eligible for payment from the  
14 Underground Storage Tank Fund pursuant to an Office of the  
15 State Fire Marshal eligibility and deductibility  
16 determination, may elect to defer site investigation or  
17 corrective action activities until funds are available in an  
18 amount equal to the amount approved in the budget. The  
19 regulations shall establish criteria based on risk to human  
20 health or the environment to be used for determining on a  
21 site-by-site basis whether deferral is appropriate. The  
22 regulations also shall establish the minimum investigatory  
23 requirements for determining whether the risk based criteria  
24 are present at a site considering deferral and procedures for  
25 the notification of owners or operators of insufficient funds,  
26 Agency review of request for deferral, notification of Agency

1 final decisions, returning deferred sites to active status, and  
2 earmarking of funds for payment.

3 (c) When the owner or operator requests indemnification for  
4 payment of costs incurred as a result of a release of petroleum  
5 from an underground storage tank, if the owner or operator has  
6 satisfied the requirements of subsection (a) of this Section,  
7 the Agency shall forward a copy of the request to the Attorney  
8 General. The Attorney General shall review and approve the  
9 request for indemnification if:

10 (1) there is a legally enforceable judgment entered  
11 against the owner or operator and such judgment was entered  
12 due to harm caused by a release of petroleum from an  
13 underground storage tank and such judgment was not entered  
14 as a result of fraud; or

15 (2) a settlement with a third party due to a release of  
16 petroleum from an underground storage tank is reasonable.

17 (d) Notwithstanding any other provision of this Title, the  
18 Agency shall not approve payment to an owner or operator from  
19 the Fund for costs of corrective action or indemnification  
20 incurred during a calendar year in excess of the following  
21 aggregate amounts based on the number of petroleum underground  
22 storage tanks owned or operated by such owner or operator in  
23 Illinois.

24	Amount	Number of Tanks
25	\$2,000,000 .....	fewer than 101
26	\$3,000,000 .....	101 or more

1           (1) Costs incurred in excess of the aggregate amounts  
2 set forth in paragraph (1) of this subsection shall not be  
3 eligible for payment in subsequent years.

4           (2) For purposes of this subsection, requests  
5 submitted by any of the agencies, departments, boards,  
6 committees or commissions of the State of Illinois shall be  
7 acted upon as claims from a single owner or operator.

8           (3) For purposes of this subsection, owner or operator  
9 includes (i) any subsidiary, parent, or joint stock company  
10 of the owner or operator and (ii) any company owned by any  
11 parent, subsidiary, or joint stock company of the owner or  
12 operator.

13           (e) Costs of corrective action or indemnification incurred  
14 by an owner or operator which have been paid to an owner or  
15 operator under a policy of insurance, another written  
16 agreement, or a court order are not eligible for payment under  
17 this Section. An owner or operator who receives payment under a  
18 policy of insurance, another written agreement, or a court  
19 order shall reimburse the State to the extent such payment  
20 covers costs for which payment was received from the Fund. Any  
21 monies received by the State under this subsection (e) shall be  
22 deposited into the Fund.

23           (f) (Blank.)

24           (g) The Agency shall not approve any payment from the Fund  
25 to pay an owner or operator:

26           (1) for costs of corrective action incurred by such

1 owner or operator in an amount in excess of \$1,500,000 per  
2 occurrence; and

3 (2) for costs of indemnification of such owner or  
4 operator in an amount in excess of \$1,500,000 per  
5 occurrence.

6 (h) Payment of any amount from the Fund for corrective  
7 action or indemnification shall be subject to the State  
8 acquiring by subrogation the rights of any owner, operator, or  
9 other person to recover the costs of corrective action or  
10 indemnification for which the Fund has compensated such owner,  
11 operator, or person from the person responsible or liable for  
12 the release.

13 (i) If the Agency refuses to pay or authorizes only a  
14 partial payment, the affected owner or operator may petition  
15 the Board for a hearing in the manner provided for the review  
16 of permit decisions in Section 40 of this Act.

17 (j) Costs of corrective action or indemnification incurred  
18 by an owner or operator prior to July 28, 1989, shall not be  
19 eligible for payment or reimbursement under this Section.

20 (k) The Agency shall not pay costs of corrective action or  
21 indemnification incurred before providing notification of the  
22 release of petroleum in accordance with the provisions of this  
23 Title.

24 (l) Corrective action does not include legal defense costs.  
25 Legal defense costs include legal costs for seeking payment  
26 under this Title unless the owner or operator prevails before

1 the Board in which case the Board may authorize payment of  
2 legal fees.

3 (m) The Agency may apportion payment of costs for plans  
4 submitted under Section 57.7 if:

5 (1) the owner or operator was deemed eligible to access  
6 the Fund for payment of corrective action costs for some,  
7 but not all, of the underground storage tanks at the site;  
8 and

9 (2) the owner or operator failed to justify all costs  
10 attributable to each underground storage tank at the site.

11 (n) The Agency shall not pay costs associated with a  
12 corrective action plan incurred after the Agency provides  
13 notification to the owner or operator pursuant to item (7) of  
14 subsection (b) of Section 57.7 that a revised corrective action  
15 plan is required. Costs associated with any subsequently  
16 approved corrective action plan shall be eligible for  
17 reimbursement if they meet the requirements of this Title.

18 (Source: P.A. 98-109, eff. 7-25-13.)

19 (415 ILCS 5/57.10)

20 Sec. 57.10. Professional Engineer or professional  
21 geologist ~~Professional Geologist~~ certification; presumptions  
22 against liability.

23 (a) Within 120 days of the Agency's receipt of a corrective  
24 action completion report, the Agency shall issue to the owner  
25 or operator a "no further remediation letter" unless the Agency

1 has requested a modification, issued a rejection under  
2 subsection (d) of this Section, or the report has been rejected  
3 by operation of law.

4 (b) By certifying such a statement, a Licensed Professional  
5 Engineer or a professional geologist ~~Licensed Professional~~  
6 ~~Geologist~~ shall in no way be liable thereon, unless the  
7 engineer or geologist gave such certification despite his or  
8 her actual knowledge that the performed measures were not in  
9 compliance with applicable statutory or regulatory  
10 requirements or any plan submitted to the Agency.

11 (c) The Agency's issuance of a no further remediation  
12 letter shall signify, based on the certification of the  
13 Licensed Professional Engineer, that:

14 (1) all statutory and regulatory corrective action  
15 requirements applicable to the occurrence have been  
16 complied with;

17 (2) all corrective action concerning the remediation  
18 of the occurrence has been completed; and

19 (3) no further corrective action concerning the  
20 occurrence is necessary for the protection of human health,  
21 safety and the environment.

22 This subsection (c) does not apply to off-site contamination  
23 related to the occurrence that has not been remediated due to  
24 denial of access to the off-site property.

25 (d) The no further remediation letter issued under this  
26 Section shall apply in favor of the following parties:



1           (1) The owner or operator to whom the letter was  
2 issued.

3           (2) Any parent corporation or subsidiary of such owner  
4 or operator.

5           (3) Any co-owner or co-operator, either by joint  
6 tenancy, right-of-survivorship, or any other party sharing  
7 a legal relationship with the owner or operator to whom the  
8 letter is issued.

9           (4) Any holder of a beneficial interest of a land trust  
10 or inter vivos trust whether revocable or irrevocable.

11           (5) Any mortgagee or trustee of a deed of trust of such  
12 owner or operator.

13           (6) Any successor-in-interest of such owner or  
14 operator.

15           (7) Any transferee of such owner or operator whether  
16 the transfer was by sale, bankruptcy proceeding,  
17 partition, dissolution of marriage, settlement or  
18 adjudication of any civil action, charitable gift, or  
19 bequest.

20           (8) Any heir or devisee of such owner or operator.

21           (9) An owner of a parcel of real property to the extent  
22 that the no further remediation letter under subsection (c)  
23 of this Section applies to the occurrence on that parcel.

24           (e) If the Agency notifies the owner or operator that the  
25 "no further remediation" letter has been rejected, the grounds  
26 for such rejection shall be described in the notice. Such a

1 decision shall be a final determination which may be appealed  
2 by the owner or operator.

3 (f) The Board shall adopt rules setting forth the criteria  
4 under which the Agency may require an owner or operator to  
5 conduct further investigation or remediation related to a  
6 release for which a no further remediation letter has been  
7 issued.

8 (g) Holders of security interests in sites subject to the  
9 requirements of this Title XVI shall be entitled to the same  
10 protections and subject to the same responsibilities provided  
11 under general regulations promulgated under Subtitle I of the  
12 Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of  
13 the Resource Conservation and Recovery Act of 1976 (P.L.  
14 94-580).

15 (Source: P.A. 94-276, eff. 1-1-06.)

16 (415 ILCS 5/58.2)

17 Sec. 58.2. Definitions. The following words and phrases  
18 when used in this Title shall have the meanings given to them  
19 in this Section unless the context clearly indicates otherwise:

20 "Agrichemical facility" means a site on which agricultural  
21 pesticides are stored or handled, or both, in preparation for  
22 end use, or distributed. The term does not include basic  
23 manufacturing facility sites.

24 "ASTM" means the American Society for Testing and  
25 Materials.

1 "Area background" means concentrations of regulated  
2 substances that are consistently present in the environment in  
3 the vicinity of a site that are the result of natural  
4 conditions or human activities, and not the result solely of  
5 releases at the site.

6 "Brownfields site" or "brownfields" means a parcel of real  
7 property, or a portion of the parcel, that has actual or  
8 perceived contamination and an active potential for  
9 redevelopment.

10 "Class I groundwater" means groundwater that meets the  
11 Class I Potable Resource groundwater criteria set forth in the  
12 Board rules adopted under the Illinois Groundwater Protection  
13 Act.

14 "Class III groundwater" means groundwater that meets the  
15 Class III Special Resource Groundwater criteria set forth in  
16 the Board rules adopted under the Illinois Groundwater  
17 Protection Act.

18 "Carcinogen" means a contaminant that is classified as a  
19 Category A1 or A2 Carcinogen by the American Conference of  
20 Governmental Industrial Hygienists; or a Category 1 or 2A/2B  
21 Carcinogen by the World Health Organizations International  
22 Agency for Research on Cancer; or a "Human Carcinogen" or  
23 "Anticipated Human Carcinogen" by the United States Department  
24 of Health and Human Service National Toxicological Program; or  
25 a Category A or B1/B2 Carcinogen by the United States  
26 Environmental Protection Agency in Integrated Risk Information

1 System or a Final Rule issued in a Federal Register notice by  
2 the USEPA as of the effective date of this amendatory Act of  
3 1995.

4 "Licensed Professional Engineer" (LPE) means a person,  
5 corporation, or partnership licensed under the laws of this  
6 State to practice professional engineering.

7 ~~"Licensed Professional Geologist" means a person licensed~~  
8 ~~under the laws of the State of Illinois to practice as a~~  
9 ~~professional geologist.~~

10 "RELPEG" means a Licensed Professional Engineer or a  
11 professional geologist ~~Licensed Professional Geologist~~ engaged  
12 in review and evaluation under this Title.

13 "Man-made pathway" means constructed routes that may allow  
14 for the transport of regulated substances including, but not  
15 limited to, sewers, utility lines, utility vaults, building  
16 foundations, basements, crawl spaces, drainage ditches, or  
17 previously excavated and filled areas.

18 "Municipality" means an incorporated city, village, or  
19 town in this State. "Municipality" does not mean a township,  
20 town when that term is used as the equivalent of a township,  
21 incorporated town that has superseded a civil township, county,  
22 or school district, park district, sanitary district, or  
23 similar governmental district.

24 "Natural pathway" means natural routes for the transport of  
25 regulated substances including, but not limited to, soil,  
26 groundwater, sand seams and lenses, and gravel seams and

1 lenses.

2 "Person" means individual, trust, firm, joint stock  
3 company, joint venture, consortium, commercial entity,  
4 corporation (including a government corporation), partnership,  
5 association, State, municipality, commission, political  
6 subdivision of a State, or any interstate body including the  
7 United States Government and each department, agency, and  
8 instrumentality of the United States.

9 "Regulated substance" means any hazardous substance as  
10 defined under Section 101(14) of the Comprehensive  
11 Environmental Response, Compensation, and Liability Act of  
12 1980 (P.L. 96-510) and petroleum products including crude oil  
13 or any fraction thereof, natural gas, natural gas liquids,  
14 liquefied natural gas, or synthetic gas usable for fuel (or  
15 mixtures of natural gas and such synthetic gas).

16 "Remedial action" means activities associated with  
17 compliance with the provisions of Sections 58.6 and 58.7.

18 "Remediation Applicant" (RA) means any person seeking to  
19 perform or performing investigative or remedial activities  
20 under this Title, including the owner or operator of the site  
21 or persons authorized by law or consent to act on behalf of or  
22 in lieu of the owner or operator of the site.

23 "Remediation costs" means reasonable costs paid for  
24 investigating and remediating regulated substances of concern  
25 consistent with the remedy selected for a site.

26 For purposes of Section 58.14, "remediation costs" shall

1 not include costs incurred prior to January 1, 1998, costs  
2 incurred after the issuance of a No Further Remediation Letter  
3 under Section 58.10 of this Act, or costs incurred more than 12  
4 months prior to acceptance into the Site Remediation Program.

5 For the purpose of Section 58.14a, "remediation costs" do  
6 not include any costs incurred before January 1, 2007, any  
7 costs incurred after the issuance of a No Further Remediation  
8 Letter under Section 58.10, or any costs incurred more than 12  
9 months before acceptance into the Site Remediation Program.

10 "Residential property" means any real property that is used  
11 for habitation by individuals and other property uses defined  
12 by Board rules such as education, health care, child care and  
13 related uses.

14 "River Edge Redevelopment Zone" has the meaning set forth  
15 under the River Edge Redevelopment Zone Act.

16 "Site" means any single location, place, tract of land or  
17 parcel of property, or portion thereof, including contiguous  
18 property separated by a public right-of-way.

19 "Regulated substance of concern" means any contaminant  
20 that is expected to be present at the site based upon past and  
21 current land uses and associated releases that are known to the  
22 Remediation Applicant based upon reasonable inquiry.

23 (Source: P.A. 95-454, eff. 8-27-07.)

24 (415 ILCS 5/58.6)

25 Sec. 58.6. Remedial investigations and reports.

1           (a) Any RA who proceeds under this Title may elect to seek  
2 review and approval for any of the remediation objectives  
3 provided in Section 58.5 for any or all regulated substances of  
4 concern. The RA shall conduct investigations and remedial  
5 activities for regulated substances of concern and prepare  
6 plans and reports in accordance with this Section and rules  
7 adopted hereunder. The RA shall submit the plans and reports  
8 for review and approval in accordance with Section 58.7. All  
9 investigations, plans, and reports conducted or prepared under  
10 this Section shall be under the supervision of a Licensed  
11 Professional Engineer (LPE) or, in the case of a site  
12 investigation only, a professional geologist ~~Licensed~~  
13 ~~Professional Geologist~~ in accordance with the requirements of  
14 this Title.

15           (b) (1) Site investigation and Site Investigation Report.  
16           The RA shall conduct a site investigation to determine the  
17 significant physical features of the site and vicinity that  
18 may affect contaminant transport and risk to human health,  
19 safety, and the environment and to determine the nature,  
20 concentration, direction and rate of movement, and extent  
21 of the contamination at the site.

22           (2) The RA shall compile the results of the  
23 investigations into a Site Investigation Report. At a  
24 minimum, the reports shall include the following, as  
25 applicable:

26                   (A) Executive summary;

- 1 (B) Site history;
- 2 (C) Site-specific sampling methods and results;
- 3 (D) Documentation of field activities, including
- 4 quality assurance project plan;
- 5 (E) Interpretation of results; and
- 6 (F) Conclusions.

7 (c) Remediation Objectives Report.

8 (1) If a RA elects to determine remediation objectives

9 appropriate for the site using the Tier II or Tier III

10 procedures under subsection (d) of Section 58.5, the RA

11 shall develop such remediation objectives based on

12 site-specific information. In support of such remediation

13 objectives, the RA shall prepare a Remediation Objectives

14 Report demonstrating how the site-specific objectives were

15 calculated or otherwise determined.

16 (2) If a RA elects to determine remediation objectives

17 appropriate for the site using the area background

18 procedures under subsection (b) of Section 58.5, the RA

19 shall develop such remediation objectives based on

20 site-specific literature review, sampling protocol, or

21 appropriate statistical methods in accordance with Board

22 rules. In support of such remediation objectives, the RA

23 shall prepare a Remediation Objectives Report

24 demonstrating how the area background remediation

25 objectives were determined.

26 (d) Remedial Action Plan. If the approved remediation



1 objectives for any regulated substance established under  
2 Section 58.5 are less than the levels existing at the site  
3 prior to any remedial action, the RA shall prepare a Remedial  
4 Action Plan. The Remedial Action Plan shall describe the  
5 selected remedy and evaluate its ability and effectiveness to  
6 achieve the remediation objectives approved for the site. At a  
7 minimum, the reports shall include the following, as  
8 applicable:

9 (1) Executive summary;

10 (2) Statement of remediation objectives;

11 (3) Remedial technologies selected;

12 (4) Confirmation sampling plan;

13 (5) Current and projected future use of the property;

14 and

15 (6) Applicable preventive, engineering, and  
16 institutional controls including long-term reliability,  
17 operating, and maintenance plans, and monitoring  
18 procedures.

19 (e) Remedial Action Completion Report.

20 (1) Upon completion of the Remedial Action Plan, the RA  
21 shall prepare a Remedial Action Completion Report. The  
22 report shall demonstrate whether the remedial action was  
23 completed in accordance with the approved Remedial Action  
24 Plan and whether the remediation objectives, as well as any  
25 other requirements of the plan, have been attained.

26 (2) If the approved remediation objectives for the

1 regulated substances of concern established under Section  
2 58.5 are equal to or above the levels existing at the site  
3 prior to any remedial action, notification and  
4 documentation of such shall constitute the entire Remedial  
5 Action Completion Report for purposes of this Title.

6 (f) Ability to proceed. The RA may elect to prepare and  
7 submit for review and approval any and all reports or plans  
8 required under the provisions of this Section individually,  
9 following completion of each such activity; concurrently,  
10 following completion of all activities; or in any other  
11 combination. In any event, the review and approval process  
12 shall proceed in accordance with Section 58.7 and rules adopted  
13 thereunder.

14 (g) Nothing in this Section shall prevent an RA from  
15 implementing or conducting an interim or any other remedial  
16 measure prior to election to proceed under Section 58.6.

17 (h) In accordance with Section 58.11, the Agency shall  
18 propose and the Board shall adopt rules to carry out the  
19 purposes of this Section.

20 (Source: P.A. 92-735, eff. 7-25-02.)

21 (415 ILCS 5/58.7)

22 Sec. 58.7. Review and approvals.

23 (a) Requirements. All plans and reports that are submitted  
24 pursuant to this Title shall be submitted for review or  
25 approval in accordance with this Section.

1 (b) Review and evaluation by the Agency.

2 (1) Except for sites excluded under subdivision (a) (2)  
3 of Section 58.1, the Agency shall, subject to available  
4 resources, agree to provide review and evaluation services  
5 for activities carried out pursuant to this Title for which  
6 the RA requested the services in writing. As a condition  
7 for providing such services, the Agency may require that  
8 the RA for a site:

9 (A) Conform with the procedures of this Title;

10 (B) Allow for or otherwise arrange site visits or  
11 other site evaluation by the Agency when so requested;

12 (C) Agree to perform the Remedial Action Plan as  
13 approved under this Title;

14 (D) Agree to pay any reasonable costs incurred and  
15 documented by the Agency in providing such services;

16 (E) Make an advance partial payment to the Agency  
17 for such anticipated services in an amount, acceptable  
18 to the Agency, but not to exceed \$5,000 or one-half of  
19 the total anticipated costs of the Agency, whichever  
20 sum is less; and

21 (F) Demonstrate, if necessary, authority to act on  
22 behalf of or in lieu of the owner or operator.

23 (2) Any moneys received by the State for costs incurred  
24 by the Agency in performing review or evaluation services  
25 for actions conducted pursuant to this Title shall be  
26 deposited in the Hazardous Waste Fund.

1           (3) An RA requesting services under subdivision (b) (1)  
2 of this Section may, at any time, notify the Agency, in  
3 writing, that Agency services previously requested are no  
4 longer wanted. Within 180 days after receipt of the notice,  
5 the Agency shall provide the RA with a final invoice for  
6 services provided until the date of such notifications.

7           (4) The Agency may invoice or otherwise request or  
8 demand payment from a RA for costs incurred by the Agency  
9 in performing review or evaluation services for actions by  
10 the RA at sites only if:

11           (A) The Agency has incurred costs in performing  
12 response actions, other than review or evaluation  
13 services, due to the failure of the RA to take response  
14 action in accordance with a notice issued pursuant to  
15 this Act;

16           (B) The RA has agreed in writing to the payment of  
17 such costs;

18           (C) The RA has been ordered to pay such costs by  
19 the Board or a court of competent jurisdiction pursuant  
20 to this Act; or

21           (D) The RA has requested or has consented to Agency  
22 review or evaluation services under subdivision  
23 (b) (1) of this Section.

24           (5) The Agency may, subject to available resources,  
25 agree to provide review and evaluation services for  
26 response actions if there is a written agreement among

1 parties to a legal action or if a notice to perform a  
2 response action has been issued by the Agency.

3 (c) Review and evaluation by a Licensed Professional  
4 Engineer or a professional geologist ~~Licensed Professional~~  
5 ~~Geologist~~. A RA may elect to contract with a Licensed  
6 Professional Engineer or, in the case of a site investigation  
7 report only, a professional geologist ~~Licensed Professional~~  
8 ~~Geologist~~, who will perform review and evaluation services on  
9 behalf of and under the direction of the Agency relative to the  
10 site activities.

11 (1) Prior to entering into the contract with the  
12 RELPEG, the RA shall notify the Agency of the RELPEG to be  
13 selected. The Agency and the RA shall discuss the potential  
14 terms of the contract.

15 (2) At a minimum, the contract with the RELPEG shall  
16 provide that the RELPEG will submit any reports directly to  
17 the Agency, will take his or her directions for work  
18 assignments from the Agency, and will perform the assigned  
19 work on behalf of the Agency.

20 (3) Reasonable costs incurred by the Agency shall be  
21 paid by the RA directly to the Agency in accordance with  
22 the terms of the review and evaluation services agreement  
23 entered into under subdivision (b) (1) of Section 58.7.

24 (4) In no event shall the RELPEG acting on behalf of  
25 the Agency be an employee of the RA or the owner or  
26 operator of the site or be an employee of any other person

1 the RA has contracted to provide services relative to the  
2 site.

3 (d) Review and approval. All reviews required under this  
4 Title shall be carried out by the Agency or a RELPEG, both  
5 under the direction of a Licensed Professional Engineer or, in  
6 the case of the review of a site investigation only, a  
7 professional geologist ~~Licensed Professional Geologist~~.

8 (1) All review activities conducted by the Agency or a  
9 RELPEG shall be carried out in conformance with this Title  
10 and rules promulgated under Section 58.11.

11 (2) Subject to the limitations in subsection (c) and  
12 this subsection (d), the specific plans, reports, and  
13 activities that the Agency or a RELPEG may review include:

14 (A) Site Investigation Reports and related  
15 activities;

16 (B) Remediation Objectives Reports;

17 (C) Remedial Action Plans and related activities;

18 and

19 (D) Remedial Action Completion Reports and related  
20 activities.

21 (3) Only the Agency shall have the authority to  
22 approve, disapprove, or approve with conditions a plan or  
23 report as a result of the review process including those  
24 plans and reports reviewed by a RELPEG. If the Agency  
25 disapproves a plan or report or approves a plan or report  
26 with conditions, the written notification required by

1 subdivision (d) (4) of this Section shall contain the  
2 following information, as applicable:

3 (A) An explanation of the Sections of this Title  
4 that may be violated if the plan or report was  
5 approved;

6 (B) An explanation of the provisions of the rules  
7 promulgated under this Title that may be violated if  
8 the plan or report was approved;

9 (C) An explanation of the specific type of  
10 information, if any, that the Agency deems the  
11 applicant did not provide the Agency;

12 (D) A statement of specific reasons why the Title  
13 and regulations might not be met if the plan or report  
14 were approved; and

15 (E) An explanation of the reasons for conditions if  
16 conditions are required.

17 (4) Upon approving, disapproving, or approving with  
18 conditions a plan or report, the Agency shall notify the RA  
19 in writing of its decision. In the case of approval or  
20 approval with conditions of a Remedial Action Completion  
21 Report, the Agency shall prepare a No Further Remediation  
22 Letter that meets the requirements of Section 58.10 and  
23 send a copy of the letter to the RA.

24 (5) All reviews undertaken by the Agency or a RELPEG  
25 shall be completed and the decisions communicated to the RA  
26 within 60 days of the request for review or approval. The

1 RA may waive the deadline upon a request from the Agency.  
2 If the Agency disapproves or approves with conditions a  
3 plan or report or fails to issue a final decision within  
4 the 60 day period and the RA has not agreed to a waiver of  
5 the deadline, the RA may, within 35 days, file an appeal to  
6 the Board. Appeals to the Board shall be in the manner  
7 provided for the review of permit decisions in Section 40  
8 of this Act.

9 (e) Standard of review. In making determinations, the  
10 following factors, and additional factors as may be adopted by  
11 the Board in accordance with Section 58.11, shall be considered  
12 by the Agency when reviewing or approving plans, reports, and  
13 related activities, or the RELPEG, when reviewing plans,  
14 reports, and related activities:

15 (1) Site Investigation Reports and related activities:  
16 Whether investigations have been conducted and the results  
17 compiled in accordance with the appropriate procedures and  
18 whether the interpretations and conclusions reached are  
19 supported by the information gathered. In making the  
20 determination, the following factors shall be considered:

21 (A) The adequacy of the description of the site and  
22 site characteristics that were used to evaluate the  
23 site;

24 (B) The adequacy of the investigation of potential  
25 pathways and risks to receptors identified at the site;  
26 and



1 (C) The appropriateness of the sampling and  
2 analysis used.

3 (2) Remediation Objectives Reports: Whether the  
4 remediation objectives are consistent with the  
5 requirements of the applicable method for selecting or  
6 determining remediation objectives under Section 58.5. In  
7 making the determination, the following factors shall be  
8 considered:

9 (A) If the objectives were based on the  
10 determination of area background levels under  
11 subsection (b) of Section 58.5, whether the review of  
12 current and historic conditions at or in the immediate  
13 vicinity of the site has been thorough and whether the  
14 site sampling and analysis has been performed in a  
15 manner resulting in accurate determinations;

16 (B) If the objectives were calculated on the basis  
17 of predetermined equations using site specific data,  
18 whether the calculations were accurately performed and  
19 whether the site specific data reflect actual site  
20 conditions; and

21 (C) If the objectives were determined using a site  
22 specific risk assessment procedure, whether the  
23 procedure used is nationally recognized and accepted,  
24 whether the calculations were accurately performed,  
25 and whether the site specific data reflect actual site  
26 conditions.

1           (3) Remedial Action Plans and related activities:  
2           Whether the plan will result in compliance with this Title,  
3           and rules adopted under it and attainment of the applicable  
4           remediation objectives. In making the determination, the  
5           following factors shall be considered:

6                   (A) The likelihood that the plan will result in the  
7                   attainment of the applicable remediation objectives;

8                   (B) Whether the activities proposed are consistent  
9                   with generally accepted engineering practices; and

10                   (C) The management of risk relative to any  
11                   remaining contamination, including but not limited to,  
12                   provisions for the long-term enforcement, operation,  
13                   and maintenance of institutional and engineering  
14                   controls, if relied on.

15           (4) Remedial Action Completion Reports and related  
16           activities: Whether the remedial activities have been  
17           completed in accordance with the approved Remedial Action  
18           Plan and whether the applicable remediation objectives  
19           have been attained.

20           (f) All plans and reports submitted for review shall  
21           include a Licensed Professional Engineer's certification that  
22           all investigations and remedial activities were carried out  
23           under his or her direction and, to the best of his or her  
24           knowledge and belief, the work described in the plan or report  
25           has been completed in accordance with generally accepted  
26           engineering practices, and the information presented is

1 accurate and complete. In the case of a site investigation  
2 report prepared or supervised by a professional geologist  
3 ~~Licensed Professional Geologist~~, the required certification  
4 may be made by the professional geologist ~~Licensed Professional~~  
5 ~~Geologist~~ (rather than a Licensed Professional Engineer) and  
6 based upon generally accepted principles of professional  
7 geology.

8 (g) In accordance with Section 58.11, the Agency shall  
9 propose and the Board shall adopt rules to carry out the  
10 purposes of this Section. At a minimum, the rules shall detail  
11 the types of services the Agency may provide in response to  
12 requests under subdivision (b) (1) of this Section and the  
13 recordkeeping it will utilize in documenting to the RA the  
14 costs incurred by the Agency in providing such services.

15 (h) Public participation.

16 (1) The Agency shall develop guidance to assist RA's in  
17 the implementation of a community relations plan to address  
18 activity at sites undergoing remedial action pursuant to  
19 this Title.

20 (2) The RA may elect to enter into a services agreement  
21 with the Agency for Agency assistance in community outreach  
22 efforts.

23 (3) The Agency shall maintain a registry listing those  
24 sites undergoing remedial action pursuant to this Title.

25 (4) Notwithstanding any provisions of this Section,  
26 the RA of a site undergoing remedial activity pursuant to

1           this Title may elect to initiate a community outreach  
2           effort for the site.

3           (Source: P.A. 95-331, eff. 8-21-07.)

4           Section 105. The Unified Code of Corrections is amended by  
5           changing Section 5-5-5 as follows:

6           (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

7           Sec. 5-5-5. Loss and Restoration of Rights.

8           (a) Conviction and disposition shall not entail the loss by  
9           the defendant of any civil rights, except under this Section  
10          and Sections 29-6 and 29-10 of The Election Code, as now or  
11          hereafter amended.

12          (b) A person convicted of a felony shall be ineligible to  
13          hold an office created by the Constitution of this State until  
14          the completion of his sentence.

15          (c) A person sentenced to imprisonment shall lose his right  
16          to vote until released from imprisonment.

17          (d) On completion of sentence of imprisonment or upon  
18          discharge from probation, conditional discharge or periodic  
19          imprisonment, or at any time thereafter, all license rights and  
20          privileges granted under the authority of this State which have  
21          been revoked or suspended because of conviction of an offense  
22          shall be restored unless the authority having jurisdiction of  
23          such license rights finds after investigation and hearing that  
24          restoration is not in the public interest. This paragraph (d)

1 shall not apply to the suspension or revocation of a license to  
2 operate a motor vehicle under the Illinois Vehicle Code.

3 (e) Upon a person's discharge from incarceration or parole,  
4 or upon a person's discharge from probation or at any time  
5 thereafter, the committing court may enter an order certifying  
6 that the sentence has been satisfactorily completed when the  
7 court believes it would assist in the rehabilitation of the  
8 person and be consistent with the public welfare. Such order  
9 may be entered upon the motion of the defendant or the State or  
10 upon the court's own motion.

11 (f) Upon entry of the order, the court shall issue to the  
12 person in whose favor the order has been entered a certificate  
13 stating that his behavior after conviction has warranted the  
14 issuance of the order.

15 (g) This Section shall not affect the right of a defendant  
16 to collaterally attack his conviction or to rely on it in bar  
17 of subsequent proceedings for the same offense.

18 (h) No application for any license specified in subsection  
19 (i) of this Section granted under the authority of this State  
20 shall be denied by reason of an eligible offender who has  
21 obtained a certificate of relief from disabilities, as defined  
22 in Article 5.5 of this Chapter, having been previously  
23 convicted of one or more criminal offenses, or by reason of a  
24 finding of lack of "good moral character" when the finding is  
25 based upon the fact that the applicant has previously been  
26 convicted of one or more criminal offenses, unless:

1           (1) there is a direct relationship between one or more  
2 of the previous criminal offenses and the specific license  
3 sought; or

4           (2) the issuance of the license would involve an  
5 unreasonable risk to property or to the safety or welfare  
6 of specific individuals or the general public.

7           In making such a determination, the licensing agency shall  
8 consider the following factors:

9           (1) the public policy of this State, as expressed in  
10 Article 5.5 of this Chapter, to encourage the licensure and  
11 employment of persons previously convicted of one or more  
12 criminal offenses;

13           (2) the specific duties and responsibilities  
14 necessarily related to the license being sought;

15           (3) the bearing, if any, the criminal offenses or  
16 offenses for which the person was previously convicted will  
17 have on his or her fitness or ability to perform one or  
18 more such duties and responsibilities;

19           (4) the time which has elapsed since the occurrence of  
20 the criminal offense or offenses;

21           (5) the age of the person at the time of occurrence of  
22 the criminal offense or offenses;

23           (6) the seriousness of the offense or offenses;

24           (7) any information produced by the person or produced  
25 on his or her behalf in regard to his or her rehabilitation  
26 and good conduct, including a certificate of relief from

1 disabilities issued to the applicant, which certificate  
2 shall create a presumption of rehabilitation in regard to  
3 the offense or offenses specified in the certificate; and

4 (8) the legitimate interest of the licensing agency in  
5 protecting property, and the safety and welfare of specific  
6 individuals or the general public.

7 (i) A certificate of relief from disabilities shall be  
8 issued only for a license or certification issued under the  
9 following Acts:

10 (1) the Animal Welfare Act; except that a certificate  
11 of relief from disabilities may not be granted to provide  
12 for the issuance or restoration of a license under the  
13 Animal Welfare Act for any person convicted of violating  
14 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
15 Care for Animals Act or Section 26-5 or 48-1 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012;

17 (2) the Illinois Athletic Trainers Practice Act;

18 (3) the Barber, Cosmetology, Esthetics, ~~Hair Braiding,~~  
19 and Nail Technology Act of 1985;

20 (4) the Boiler and Pressure Vessel Repairer Regulation  
21 Act;

22 (5) the Boxing and Full-contact Martial Arts Act;

23 (6) the Illinois Certified Shorthand Reporters Act of  
24 1984;

25 (7) the Illinois Farm Labor Contractor Certification  
26 Act;

- 1 (8) (blank); ~~the Interior Design Title Act;~~
- 2 (9) the Illinois Professional Land Surveyor Act of
- 3 1989;
- 4 (10) the Illinois Landscape Architecture Act of 1989;
- 5 (11) the Marriage and Family Therapy Licensing Act;
- 6 (12) the Private Employment Agency Act;
- 7 (13) the Professional Counselor and Clinical
- 8 Professional Counselor Licensing and Practice Act;
- 9 (14) the Real Estate License Act of 2000;
- 10 (15) (blank); ~~the Illinois Roofing Industry Licensing~~
- 11 ~~Act;~~
- 12 (16) the Professional Engineering Practice Act of
- 13 1989;
- 14 (17) the Water Well and Pump Installation Contractor's
- 15 License Act;
- 16 (18) the Electrologist Licensing Act;
- 17 (19) the Auction License Act;
- 18 (20) the Illinois Architecture Practice Act of 1989;
- 19 (21) the Dietitian Nutritionist Practice Act;
- 20 (22) the Environmental Health Practitioner Licensing
- 21 Act;
- 22 (23) the Funeral Directors and Embalmers Licensing
- 23 Code;
- 24 (24) (blank); ~~the Land Sales Registration Act of 1999;~~
- 25 (25) (blank); ~~the Professional Geologist Licensing~~
- 26 ~~Act;~~



1           (26) the Illinois Public Accounting Act; and  
2           (27) the Structural Engineering Practice Act of 1989.  
3       (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;  
4       97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.  
5       1-25-13; 98-756, eff. 7-16-14.)

6           Section 110. The Code of Civil Procedure is amended by  
7       changing Section 2-622 as follows:

8           (735 ILCS 5/2-622) (from Ch. 110, par. 2-622)  
9       Sec. 2-622. Healing art malpractice.

10          (a) In any action, whether in tort, contract or otherwise,  
11       in which the plaintiff seeks damages for injuries or death by  
12       reason of medical, hospital, or other healing art malpractice,  
13       the plaintiff's attorney or the plaintiff, if the plaintiff is  
14       proceeding pro se, shall file an affidavit, attached to the  
15       original and all copies of the complaint, declaring one of the  
16       following:

17           1. That the affiant has consulted and reviewed the  
18       facts of the case with a health professional who the  
19       affiant reasonably believes: (i) is knowledgeable in the  
20       relevant issues involved in the particular action; (ii)  
21       practices or has practiced within the last 6 years or  
22       teaches or has taught within the last 6 years in the same  
23       area of health care or medicine that is at issue in the  
24       particular action; and (iii) is qualified by experience or

1 demonstrated competence in the subject of the case; that  
2 the reviewing health professional has determined in a  
3 written report, after a review of the medical record and  
4 other relevant material involved in the particular action  
5 that there is a reasonable and meritorious cause for the  
6 filing of such action; and that the affiant has concluded  
7 on the basis of the reviewing health professional's review  
8 and consultation that there is a reasonable and meritorious  
9 cause for filing of such action. If the affidavit is filed  
10 as to a defendant who is a physician licensed to treat  
11 human ailments without the use of drugs or medicines and  
12 without operative surgery, a dentist, a podiatric  
13 physician, or a psychologist, ~~or a naprapath,~~ the written  
14 report must be from a health professional licensed in the  
15 same profession, with the same class of license, as the  
16 defendant. For affidavits filed as to all other defendants,  
17 the written report must be from a physician licensed to  
18 practice medicine in all its branches. In either event, the  
19 affidavit must identify the profession of the reviewing  
20 health professional. A copy of the written report, clearly  
21 identifying the plaintiff and the reasons for the reviewing  
22 health professional's determination that a reasonable and  
23 meritorious cause for the filing of the action exists, must  
24 be attached to the affidavit, but information which would  
25 identify the reviewing health professional may be deleted  
26 from the copy so attached.

1           2. That the affiant was unable to obtain a consultation  
2 required by paragraph 1 because a statute of limitations  
3 would impair the action and the consultation required could  
4 not be obtained before the expiration of the statute of  
5 limitations. If an affidavit is executed pursuant to this  
6 paragraph, the certificate and written report required by  
7 paragraph 1 shall be filed within 90 days after the filing  
8 of the complaint. The defendant shall be excused from  
9 answering or otherwise pleading until 30 days after being  
10 served with a certificate required by paragraph 1.

11           3. That a request has been made by the plaintiff or his  
12 attorney for examination and copying of records pursuant to  
13 Part 20 of Article VIII of this Code and the party required  
14 to comply under those Sections has failed to produce such  
15 records within 60 days of the receipt of the request. If an  
16 affidavit is executed pursuant to this paragraph, the  
17 certificate and written report required by paragraph 1  
18 shall be filed within 90 days following receipt of the  
19 requested records. All defendants except those whose  
20 failure to comply with Part 20 of Article VIII of this Code  
21 is the basis for an affidavit under this paragraph shall be  
22 excused from answering or otherwise pleading until 30 days  
23 after being served with the certificate required by  
24 paragraph 1.

25           (b) Where a certificate and written report are required  
26 pursuant to this Section a separate certificate and written

1 report shall be filed as to each defendant who has been named  
2 in the complaint and shall be filed as to each defendant named  
3 at a later time.

4 (c) Where the plaintiff intends to rely on the doctrine of  
5 "res ipsa loquitur", as defined by Section 2-1113 of this Code,  
6 the certificate and written report must state that, in the  
7 opinion of the reviewing health professional, negligence has  
8 occurred in the course of medical treatment. The affiant shall  
9 certify upon filing of the complaint that he is relying on the  
10 doctrine of "res ipsa loquitur".

11 (d) When the attorney intends to rely on the doctrine of  
12 failure to inform of the consequences of the procedure, the  
13 attorney shall certify upon the filing of the complaint that  
14 the reviewing health professional has, after reviewing the  
15 medical record and other relevant materials involved in the  
16 particular action, concluded that a reasonable health  
17 professional would have informed the patient of the  
18 consequences of the procedure.

19 (e) Allegations and denials in the affidavit, made without  
20 reasonable cause and found to be untrue, shall subject the  
21 party pleading them or his attorney, or both, to the payment of  
22 reasonable expenses, actually incurred by the other party by  
23 reason of the untrue pleading, together with reasonable  
24 attorneys' fees to be summarily taxed by the court upon motion  
25 made within 30 days of the judgment or dismissal. In no event  
26 shall the award for attorneys' fees and expenses exceed those

1 actually paid by the moving party, including the insurer, if  
2 any. In proceedings under this paragraph (e), the moving party  
3 shall have the right to depose and examine any and all  
4 reviewing health professionals who prepared reports used in  
5 conjunction with an affidavit required by this Section.

6 (f) A reviewing health professional who in good faith  
7 prepares a report used in conjunction with an affidavit  
8 required by this Section shall have civil immunity from  
9 liability which otherwise might result from the preparation of  
10 such report.

11 (g) The failure to file a certificate required by this  
12 Section shall be grounds for dismissal under Section 2-619.

13 (h) (Blank).

14 (i) (Blank).

15 (Source: P.A. 97-1145, eff. 1-18-13; 98-214, eff. 8-9-13.)

16 (765 ILCS 86/Act rep.)

17 Section 115. The Land Sales Registration Act of 1999 is  
18 repealed.

19 (765 ILCS 101/Act rep.)

20 Section 120. The Real Estate Timeshare Act of 1999 is  
21 repealed.

22 Section 125. The Health Care Services Lien Act is amended  
23 by changing Section 5 as follows:

1 (770 ILCS 23/5)

2 Sec. 5. Definitions. In this Act:

3 "Health care professional" means any individual in any of  
4 the following license categories: licensed physician, licensed  
5 dentist, licensed optometrist, ~~licensed naprapath~~, licensed  
6 clinical psychologist, or licensed physical therapist.

7 "Health care provider" means any entity in any of the  
8 following license categories: licensed hospital, licensed home  
9 health agency, licensed ambulatory surgical treatment center,  
10 licensed long-term care facilities, or licensed emergency  
11 medical services personnel.

12 This amendatory Act of the 94th General Assembly applies to  
13 causes of action accruing on or after its effective date.

14 (Source: P.A. 93-51, eff. 7-1-03; 94-403, eff. 1-1-06.)

15 Section 130. The Professional Service Corporation Act is  
16 amended by changing Section 3.6 as follows:

17 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

18 Sec. 3.6. "Related professions" and "related professional  
19 services" mean more than one personal service which requires as  
20 a condition precedent to the rendering thereof the obtaining of  
21 a license and which prior to October 1, 1973 could not be  
22 performed by a corporation by reason of law; provided, however,  
23 that these terms shall be restricted to:

1           (1) a combination of 2 or more of the following  
2 personal services: (a) "architecture" as defined in  
3 Section 5 of the Illinois Architecture Practice Act of  
4 1989, (b) "professional engineering" as defined in Section  
5 4 of the Professional Engineering Practice Act of 1989, (c)  
6 "structural engineering" as defined in Section 5 of the  
7 Structural Engineering Practice Act of 1989, (d) "land  
8 surveying" as defined in Section 2 of the Illinois  
9 Professional Land Surveyor Act of 1989;

10           (2) a combination of the following personal services:  
11 (a) the practice of medicine by persons licensed under the  
12 Medical Practice Act of 1987, (b) the practice of podiatry  
13 as defined in the Podiatric Medical Practice Act of 1987,  
14 (c) the practice of dentistry as defined in the Illinois  
15 Dental Practice Act, (d) the practice of optometry as  
16 defined in the Illinois Optometric Practice Act of 1987;

17           (3) a combination of 2 or more of the following  
18 personal services: (a) the practice of clinical psychology  
19 by persons licensed under the Clinical Psychologist  
20 Licensing Act, (b) the practice of social work or clinical  
21 social work by persons licensed under the Clinical Social  
22 Work and Social Work Practice Act, (c) the practice of  
23 marriage and family therapy by persons licensed under the  
24 Marriage and Family Therapy Licensing Act, (d) the practice  
25 of professional counseling or clinical professional  
26 counseling by persons licensed under the Professional

1 Counselor and Clinical Professional Counselor Licensing  
2 and Practice Act, or (e) the practice of sex offender  
3 evaluations by persons licensed under the Sex Offender  
4 Evaluation and Treatment Provider Act; or

5 (4) a combination of 2 or more of the following  
6 personal services: (a) the practice of acupuncture by  
7 persons licensed under the Acupuncture Practice Act, (b)  
8 the practice of massage by persons licensed under the  
9 Massage Licensing Act, (c) ~~the practice of naprapathy by~~  
10 ~~persons licensed under the Naprapathic Practice Act,~~ (d)  
11 the practice of occupational therapy by persons licensed  
12 under the Illinois Occupational Therapy Practice Act, or  
13 (d) ~~(e)~~ the practice of physical therapy by persons  
14 licensed under the Illinois Physical Therapy Act.

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

16 Section 135. The Home Repair and Remodeling Act is amended  
17 by changing Sections 18 and 20 as follows:

18 (815 ILCS 513/18)

19 Sec. 18. Repairs following damaging weather.

20 (a) As used in this Section, "catastrophe" means a natural  
21 occurrence, including but not limited to flood, drought,  
22 earthquake, tornado, windstorm, or hailstorm, which damages or  
23 destroys more than one residence.

24 (b) A contractor offering home repair or remodeling



1 services shall not advertise or promise to pay or rebate all or  
2 any portion of any insurance deductible as an inducement to the  
3 sale of goods or services. As used in this Section, a promise  
4 to pay or rebate includes granting any allowance or offering  
5 any discount against the fees to be charged or paying the  
6 insured or any person directly or indirectly associated with  
7 the property any form of compensation.

8 (c) A contractor offering home repair or remodeling  
9 services shall not accept money or any form of compensation in  
10 exchange for allowing an out of area contractor to use its  
11 business name or license.

12 (d) (Blank) ~~A contractor offering home repair or remodeling~~  
13 ~~services shall include its Illinois State roofing contractor~~  
14 ~~license name and number as it appears on its Illinois State~~  
15 ~~roofing license on all contracts, bids, and advertisements~~  
16 ~~involving roofing work as required by the Illinois Roofing~~  
17 ~~Industry Licensing Act.~~

18 (e) A person who has entered into a written contract with a  
19 contractor offering home repair or remodeling services to  
20 provide goods or services to be paid from the proceeds of a  
21 property and casualty insurance policy may cancel the contract  
22 prior to midnight on the earlier of the fifth business day  
23 after the insured has received written notice from the insurer  
24 that all or any part of the claim or contract is not a covered  
25 loss under the insurance policy or the thirtieth business day  
26 after receipt of a properly executed proof of loss by the

1 insurer from the insured. Cancellation is evidenced by the  
2 insured giving written notice of cancellation to the contractor  
3 offering home repair or remodeling services at the address  
4 stated in the contract. Notice of cancellation, if given by  
5 mail, is effective upon deposit into the United States mail,  
6 postage prepaid and properly addressed to the contractor.  
7 Notice of cancellation may be given by delivering or mailing a  
8 signed and dated copy of the written notice of cancellation to  
9 the contractor's business address as stated in the contract.  
10 Notice of cancellation shall include a copy of the written  
11 notice from the insurer to the effect that all or part of the  
12 claim is not a covered loss under the insurance policy. Notice  
13 of cancellation need not take a particular form and is  
14 sufficient if it indicates, by any form of written expression,  
15 the intention of the insured not to be bound by the contract.

16 (f) Any contract referred to in subsection (e), must  
17 contain a statement in at least 10 point boldface, in  
18 substantially the following form:

19 "You may cancel this contract at any time before  
20 midnight on the earlier of the fifth business day after  
21 you have received written notification from your  
22 insurer that all or any part of the claim or contract  
23 is not a covered loss under the insurance policy or the  
24 thirtieth business day after your insurer has received  
25 properly executed proof(s) of loss from you. See  
26 attached notice of cancellation form for an

1 explanation of this right."

2 (g) Upon executing a contract referred to in subsection  
3 (e), furnish each insured a fully completed form in duplicate,  
4 captioned "NOTICE OF CANCELLATION", which shall be attached to  
5 the contract but easily detachable, and which shall contain  
6 boldface type of a minimum size of 10 points the following  
7 statement with the appropriate fields completed by the  
8 contractor:

9 "NOTICE OF CANCELLATION

10 If you are notified by your insurer that all or any  
11 part of the claim or contract is not a covered loss  
12 under the insurance policy, you may cancel the contract  
13 by mailing or delivering a signed and dated copy of  
14 this cancellation notice or any other written notice to  
15 (name of contractor) at (address of contractor's place  
16 of business) at any time prior to midnight on the  
17 earlier of the fifth business day after you have  
18 received such notice from your insurer or the thirtieth  
19 business day after your insurer has received properly  
20 executed proof(s) of loss from you. If you cancel, any  
21 payments made by you under the contract, other than  
22 payments for goods or services related to a catastrophe  
23 which you agreed in writing to be necessary to prevent  
24 damage to your property, will be returned to you within  
25 10 business days following receipt by the contractor of  
26 your cancellation notice.

1 I HEREBY CANCEL THIS TRANSACTION  
 2 .....  
 3 (date)  
 4 .....  
 5 (insured's signature)".

6 (h) Within 10 days after a contract referred to in  
 7 subsection (e) has been cancelled, the contractor offering home  
 8 repair or remodeling services shall tender to the insured any  
 9 payments, partial payments, or deposits made by the insured and  
 10 any note or other evidence of indebtedness. If, however, the  
 11 contractor has provided any goods or services related to a  
 12 catastrophe, acknowledged and agreed to by the insured in  
 13 writing to be necessary to prevent damage to the premises, the  
 14 contractor is entitled to the reasonable value of such goods  
 15 and services. Any provision in a contract referred to in  
 16 subsection (e) that requires the payment of any fee for  
 17 anything except goods or services related to a catastrophe  
 18 shall not be enforceable against any insured who has cancelled  
 19 a contract pursuant to this Section.

20 (i) A contractor offering home repair or remodeling  
 21 services shall not represent, or offer or advertise to  
 22 represent, on behalf of a homeowner on any insurance claim in  
 23 connection with the repair or replacement of roof systems, or  
 24 the performance of any other interior or exterior repair,  
 25 replacement, construction or reconstruction work; or otherwise  
 26 violate the Public Adjusters Law (Public Act 96-1332). A Public

1 Adjuster means any person who acts on behalf of the insured in  
2 preparing and adjusting a claim for loss or damage covered by  
3 an insurance contract. A contractor offering home repair or  
4 remodeling services shall not call in or file a claim to an  
5 insurance carrier on the insured's behalf. A contractor  
6 offering home repair or remodeling services shall not climb on  
7 a roof or inspect for exterior damage without the insured's  
8 express permission. Nothing in this subsection shall be  
9 construed to prohibit a residential contractor from: (1)  
10 providing an insured an estimate for repair, replacement,  
11 construction, or reconstruction of the insured's property and  
12 any such estimate may be submitted to the insured's insurance  
13 company; (2) conferring with an insurance company's  
14 representative about damage to an insured's property; or (3)  
15 discussing repair or replacement options with an insurance  
16 company's representative or the insured about options for the  
17 repair or replacement of the damage.

18 (Source: P.A. 97-235, eff. 1-1-12.)

19 (815 ILCS 513/20)

20 Sec. 20. Consumer rights brochure.

21 (a) For any contract over \$1,000, any person engaging in  
22 the business of home repair and remodeling shall provide to its  
23 customers a copy of the "Home Repair: Know Your Consumer  
24 Rights" pamphlet prior to the execution of any home repair and  
25 remodeling contract. The consumer shall sign and date an

1 acknowledgment form entitled "Consumer Rights Acknowledgment  
2 Form" that states: "I, the homeowner, have received from the  
3 contractor a copy of the pamphlet entitled 'Home Repair: Know  
4 Your Consumer Rights.'" The contractor or his or her  
5 representative shall also sign and date the acknowledgment  
6 form, which includes the name and address of the home repair  
7 and remodeling business. The acknowledgment form shall be in  
8 duplicate and incorporated into the pamphlet. The original  
9 acknowledgment form shall be retained by the contractor and the  
10 duplicate copy shall be retained within the pamphlet by the  
11 consumer.

12 (b) For any contract for \$1,000 or under, any person  
13 engaging in the business of home repair and remodeling shall  
14 provide to its customers a copy of the "Home Repair: Know Your  
15 Consumer Rights" pamphlet. No written acknowledgment of  
16 receipt of the pamphlet is required for a contract of \$1,000 or  
17 under.

18 (c) The pamphlet must be a separate document, in at least  
19 12 point type, and in legible ink. The pamphlet shall read as  
20 follows:

21 "HOME REPAIR: KNOW YOUR CONSUMER RIGHTS

22 As you plan for your home repair/improvement project, it is  
23 important to ask the right questions in order to protect your  
24 investment. The tips in this fact sheet should allow you to

1 protect yourself and minimize the possibility that a  
2 misunderstanding may occur.

3 AVOIDING HOME REPAIR FRAUD

4 Please use extreme caution when confronted with the following  
5 warning signs of a potential scam:

6 (1) Door-to-door salespersons with no local connections  
7 who offer to do home repair work for substantially less than  
8 the market price.

9 (2) Solicitations for repair work from a company that lists  
10 only a telephone number or a post-office box number to contact,  
11 particularly if it is an out-of-state company.

12 (3) Contractors who fail to provide customers references  
13 when requested.

14 (4) Persons offering to inspect your home for free. Do not  
15 admit anyone into your home unless he or she can present  
16 authentic identification establishing his or her business  
17 status. When in doubt, do not hesitate to call the worker's  
18 employer to verify his or her identity.

19 (5) Contractors demanding cash payment for a job or who ask  
20 you to make a check payable to a person other than the owner or  
21 company name.

22 (6) Offers from a contractor to drive you to the bank to  
23 withdraw funds to pay for the work.

1

## CONTRACTS

2 (1) Get all estimates in writing.

3 (2) Do not be induced into signing a contract by  
4 high-pressure sales tactics.

5 (3) Never sign a contract with blank spaces or one you do  
6 not fully understand. If you are taking out a loan to finance  
7 the work, do not sign the contract before your lender approves  
8 the loan.

9 (4) Remember, you have 3 business days from the time you  
10 sign your contract to cancel any contract if the sale is made  
11 at your home. The contractor cannot deprive you of this right  
12 by initiating work, selling your contract to a lender, or any  
13 other tactic.

14 (5) If the contractor does business under a name other than  
15 the contractor's real name, the business must either be  
16 incorporated or registered under the Assumed Business Name Act.  
17 Check with the Secretary of State to see if the business is  
18 incorporated or with the county clerk to see if the business  
19 has registered under the Assumed Business Name Act.

20 (6) Homeowners should check with local and county units of  
21 government to determine if permits or inspections are required.

22 (7) Determine whether the contractor will guarantee his or  
23 her work and products.

24 (8) Determine whether the contractor has the proper  
25 insurance.



1           (9) Do not sign a certificate of completion or make final  
2 payment until the work is done to your satisfaction.

3           (10) Remember, homeowners should know who provides  
4 supplies and labor for any work performed on your home.  
5 Suppliers and subcontractors have a right to file a lien  
6 against your property if the general contractor fails to pay  
7 them. To protect your property, request lien waivers from the  
8 general contractor.

9                                   BASIC TERMS TO BE INCLUDED IN A CONTRACT

10           (1) Contractor's full name, address, and telephone number.  
11 Illinois law requires that persons selling home repair and  
12 improvement services provide their customers with notice of any  
13 change to their business name or address that comes about prior  
14 to the agreed dates for beginning or completing the work.

15           (2) A description of the work to be performed.

16           (3) Starting and estimated completion dates.

17           (4) Total cost of work to be performed.

18           (5) Schedule and method of payment, including down payment,  
19 subsequent payments, and final payment.

20           (6) A provision stating the grounds for termination of the  
21 contract by either party. However, the homeowner must pay the  
22 contractor for work completed. If the contractor fails to  
23 commence or complete work within the contracted time period,  
24 the homeowner may cancel and may be entitled to a refund of any

1 down payment or other payments made towards the work, upon  
2 written demand by certified mail.

3 (7) A provision stating the grounds for termination of the  
4 contract if you are notified by your insurer that all or any  
5 part of the claim or contract is not a covered loss under the  
6 insurance policy, you may cancel the contract by mailing or  
7 delivering written notice to (name of contractor) at (address  
8 of contractor's place of business) at any time prior to the  
9 earlier of midnight on the fifth business day after you have  
10 received such notice from your insurer or the thirtieth  
11 business day after receipt of a properly executed proof of loss  
12 by the insurer from the insured. If you cancel, any payments  
13 made by you under the contract will be returned to you within  
14 10 business days following receipt by the contractor of your  
15 cancellation notice. If, however, the contractor has provided  
16 any goods or services related to a catastrophe, acknowledged  
17 and agreed to by the insured homeowner in writing to be  
18 necessary to prevent damage to the premises, the contractor is  
19 entitled to the reasonable value of such goods and services.

20 Homeowners should obtain a copy of the signed contract and  
21 keep it in a safe place for reference as needed.

22 ~~To file a complaint against a roofing contractor, contact~~  
23 ~~the Illinois Department of Financial and Professional~~  
24 ~~Regulation at 312-814-6910 or file a complaint directly on its~~  
25 ~~website.~~

1 IF YOU THINK YOU HAVE BEEN DEFRAUDED OR YOU HAVE QUESTIONS

2 If you think you have been defrauded by a contractor or  
3 have any questions, please bring it to the attention of your  
4 State's Attorney or the Illinois Attorney General's Office.

5 Attorney General Toll-Free Numbers

6 Carbondale (800) 243-0607

7 Springfield (800) 243-0618

8 Chicago (800) 386-5438".

9 (Source: P.A. 97-235, eff. 1-1-12.)

10 Section 999. Effective date. This Act takes effect upon  
11 becoming law.".