



Rep. Robert Rita

Filed: 4/21/2017

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1 AMENDMENT TO HOUSE BILL 3528

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 3528 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Real Estate License Act of 2000 is amended  
5 by changing Sections 1-10, 5-5, 5-10, 5-27, 5-28, 5-50, 5-70,  
6 5-75, 5-80, 20-20, 20-60, 25-10, 30-5, 30-15, 30-20, and 30-25  
7 and the heading of Article 30 as follows:

8 (225 ILCS 454/1-10)

9 (Section scheduled to be repealed on January 1, 2020)

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

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

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

1 licensee to inform the Department of any change of address, and  
2 those changes must be made either through the Department's  
3 website or by contacting the Department.

4 ~~"Advisory Council" means the Real Estate Education~~  
5 ~~Advisory Council created under Section 30-10 of this Act.~~

6 "Agency" means a relationship in which a broker or  
7 licensee, whether directly or through an affiliated licensee,  
8 represents a consumer by the consumer's consent, whether  
9 express or implied, in a real property transaction.

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

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

21 "Board" means the Real Estate Administration and  
22 Disciplinary Board of the Department as created by Section  
23 25-10 of this Act.

24 "Branch office" means a sponsoring broker's office other  
25 than the sponsoring broker's principal office.

26 "Broker" means an individual, partnership, limited

1 liability company, corporation, or registered limited  
2 liability partnership other than a leasing agent who, whether  
3 in person or through any media or technology, for another and  
4 for compensation, or with the intention or expectation of  
5 receiving compensation, either directly or indirectly:

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

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

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

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

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

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

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

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

25 (9) Assists or directs in the negotiation of any  
26 transaction intended to result in the sale, exchange,

1 lease, or rental of real estate.

2 (10) Opens real estate to the public for marketing  
3 purposes.

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

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

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

18 "Broker price opinion" means an estimate or analysis of the  
19 probable selling price of a particular interest in real estate,  
20 which may provide a varying level of detail about the  
21 property's condition, market, and neighborhood and information  
22 on comparable sales. The activities of a real estate broker or  
23 managing broker engaging in the ordinary course of business as  
24 a broker, as defined in this Section, shall not be considered a  
25 broker price opinion if no compensation is paid to the broker  
26 or managing broker, other than compensation based upon the sale

1 or rental of real estate.

2 "Client" means a person who is being represented by a  
3 licensee.

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

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

- 22 (1) commissions;
- 23 (2) referral fees;
- 24 (3) bonuses;
- 25 (4) prizes;
- 26 (5) merchandise;

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

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

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

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

21 (3) the information becomes public from a source other  
22 than the licensee.

23 "Confidential information" shall not be considered to  
24 include material information about the physical condition of  
25 the property.

26 "Consumer" means a person or entity seeking or receiving

1 licensed activities.

2 ~~"Continuing education school" means any person licensed by~~  
3 ~~the Department as a school for continuing education in~~  
4 ~~accordance with Section 30-15 of this Act.~~

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

7 "Credit hour" means 50 minutes of classroom instruction in  
8 course work that meets the requirements set forth in rules  
9 adopted by the Department.

10 "Customer" means a consumer who is not being represented by  
11 the licensee but for whom the licensee is performing  
12 ministerial acts.

13 "Department" means the Department of Financial and  
14 Professional Regulation.

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

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

22 "Dual agency" means an agency relationship in which a  
23 licensee is representing both buyer and seller or both landlord  
24 and tenant in the same transaction. When the agency  
25 relationship is a designated agency, the question of whether  
26 there is a dual agency shall be determined by the agency

1 relationships of the designated agent of the parties and not of  
2 the sponsoring broker.

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

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

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

23 "Electronic means of proctoring" means a methodology  
24 providing assurance that the person taking a test and  
25 completing the answers to questions is the person seeking  
26 licensure or credit for continuing education and is doing so



1 without the aid of a third party or other device.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 "Pocket card" means the card issued by the Department to  
25 signify that the person named on the card is currently licensed  
26 under this Act.

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

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

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

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

24       "Secretary" means the Secretary of the Department of  
25 Financial and Professional Regulation, or a person authorized  
26 by the Secretary to act in the Secretary's stead.

1 "Sponsoring broker" means the broker who has issued a  
2 sponsor card to a licensed managing broker, broker, or a  
3 leasing agent.

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

9 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15;  
10 99-227, eff. 8-3-15.)

11 (225 ILCS 454/5-5)

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

13 Sec. 5-5. Leasing agent license.

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

20 (b) Notwithstanding the other provisions of this Act, there  
21 is hereby created a leasing agent license that shall enable the  
22 licensee to engage only in residential leasing activities for  
23 which a license is required under this Act. Such activities  
24 include ~~without limitation~~ leasing or renting residential real  
25 property, or attempting, offering, or negotiating to lease or

1 rent residential real property, or supervising the collection,  
2 offer, attempt, or agreement to collect rent for the use of  
3 residential real property. Nothing in this Section shall be  
4 construed to require a licensed managing broker or broker to  
5 obtain a leasing agent license in order to perform leasing  
6 activities for which a license is required under this Act.  
7 Licensed leasing agents, including those operating under  
8 subsection (d), may engage in activities enumerated within the  
9 definition of "leasing agent" in Section 1-10 of this Act and  
10 may not engage in any activity that would otherwise require a  
11 broker's license, including, but not limited to, selling,  
12 offering for sale, negotiating for sale, listing or showing for  
13 sale, or referring for sale or commercial lease real estate.  
14 Licensed leasing agents must be sponsored and employed by a  
15 sponsoring broker.

16 (c) The Department, by rule and in accordance with this  
17 Act, shall provide for the licensing of leasing agents,  
18 including the issuance, renewal, and administration of  
19 licenses.

20 (d) Notwithstanding any other provisions of this Act to the  
21 contrary, a person may engage in residential leasing activities  
22 for which a license is required under this Act, for a period of  
23 120 consecutive days without being licensed, so long as the  
24 person is acting under the supervision of a sponsoring broker,  
25 ~~and~~ the sponsoring broker has notified the Department that the  
26 person is pursuing licensure under this Section, and the person

1 has enrolled in the leasing agent pre-license education course  
2 no later than 60 days after beginning to engage in residential  
3 leasing activities. During the 120-day ~~120-day~~ period all  
4 requirements of Sections 5-10 and 5-65 of this Act with respect  
5 to education, successful completion of an examination, and the  
6 payment of all required fees must be satisfied. The Department  
7 may adopt rules to ensure that the provisions of this  
8 subsection are not used in a manner that enables an unlicensed  
9 person to repeatedly or continually engage in activities for  
10 which a license is required under this Act.

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

12 (225 ILCS 454/5-10)

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

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

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

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

19 (2) be of good moral character;

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

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

1 relating to leasing agents and the applicant's competence  
2 to engage in the activities of a licensed leasing agent;

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

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

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

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

25 (c) Successfully completed course work, completed pursuant  
26 to the requirements of this Section, may be applied to the



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

11 (d) The continuing education requirement for leasing  
12 agents shall consist of a single core curriculum to be  
13 established by the Department as recommended by the Board.  
14 Leasing agents shall be required to complete no less than 6  
15 hours of continuing education in the core curriculum for each  
16 2-year renewal period.

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

18 (225 ILCS 454/5-27)

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

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

21 (a) Every applicant for licensure as a broker must meet the  
22 following qualifications:

23 (1) Be at least 21 years of age. The ~~After April 30,~~  
24 ~~2011,~~ the minimum age of 21 years shall be waived for any  
25 person seeking a license as a broker who has attained the

1 age of 18 and can provide evidence of the successful  
2 completion of at least 4 semesters of post-secondary school  
3 study as a full-time student or the equivalent, with major  
4 emphasis on real estate courses, in a school approved by  
5 the Department;

6 (2) Be of good moral character;

7 (3) Successfully complete a 4-year course of study in a  
8 high school or secondary school approved by the Illinois  
9 State Board of Education or an equivalent course of study  
10 as determined by an examination conducted by the Illinois  
11 State Board of Education which shall be verified under oath  
12 by the applicant;

13 (4) (Blank);

14 (5) Provide ~~After April 30, 2011, provide~~ satisfactory  
15 evidence of having completed 90 hours of instruction in  
16 real estate courses approved by the Department ~~Advisory~~  
17 ~~Council~~, 15 hours of which must consist of situational and  
18 case studies presented in the classroom or by live, other  
19 interactive webinar or online distance education courses  
20 ~~delivery method between the instructor and the students;~~

21 (6) Personally take and pass a written examination  
22 authorized by the Department;

23 (7) Present a valid application for issuance of a  
24 license accompanied by a sponsor card and the fees  
25 specified by rule.

26 (b) The requirements specified in items (3) and (5) of

1 subsection (a) of this Section do not apply to applicants who  
2 are currently admitted to practice law by the Supreme Court of  
3 Illinois and are currently in active standing.

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

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

11 (e) An individual holding an active license as a managing  
12 broker may return the license to the Department along with a  
13 form provided by the Department and shall be issued a broker's  
14 license in exchange. Any individual obtaining a broker's  
15 license under this subsection (e) shall be considered as having  
16 obtained a broker's license by education and passing the  
17 required test and shall be treated as such in determining  
18 compliance with this Act.

19 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15;  
20 99-227, eff. 8-3-15.)

21 (225 ILCS 454/5-28)

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

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

24 (a) ~~Every Effective May 1, 2012, every~~ applicant for  
25 licensure as a managing broker must meet the following

1 qualifications:

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

3 (2) be of good moral character;

4 (3) have been licensed at least 2 out of the preceding  
5 3 years as a broker;

6 (4) successfully complete a 4-year course of study in  
7 high school or secondary school approved by the Illinois  
8 State Board of Education or an equivalent course of study  
9 as determined by an examination conducted by the Illinois  
10 State Board of Education, which shall be verified under  
11 oath by the applicant;

12 (5) provide satisfactory evidence of having completed  
13 at least 165 hours, 120 of which shall be those hours  
14 required pre and post-licensure to obtain a broker's  
15 license, and 45 additional hours completed within the year  
16 immediately preceding the filing of an application for a  
17 managing broker's license, which hours shall focus on  
18 brokerage administration and management and leasing agent  
19 management and include at least 15 hours in the classroom  
20 or by live, other interactive webinar or online distance  
21 education courses ~~delivery method between the instructor~~  
22 ~~and the students;~~

23 (6) personally take and pass a written examination  
24 authorized by the Department; and

25 (7) present a valid application for issuance of a  
26 license accompanied by a sponsor card, an appointment as a

1 managing broker, and the fees specified by rule.

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

6 (c) No applicant shall act as a managing broker for more  
7 than 90 days after an appointment as a managing broker has been  
8 filed with the Department without obtaining a managing broker's  
9 license.

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

11 (225 ILCS 454/5-50)

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

13 Sec. 5-50. Expiration and renewal of managing broker,  
14 broker, or leasing agent license; sponsoring broker; register  
15 of licensees; pocket card.

16 (a) The expiration date and renewal period for each license  
17 issued under this Act shall be set by rule. Except as otherwise  
18 provided in this Section, the holder of a license may renew the  
19 license within 90 days preceding the expiration date thereof by  
20 completing the continuing education required by this Act and  
21 paying the fees specified by rule.

22 (b) An individual whose first license is that of a broker  
23 received on or after the effective date of this amendatory Act  
24 of the 100th General Assembly April 30, 2011, must provide  
25 evidence of having completed 30 hours of post-license education

1 in courses recommended ~~approved~~ by the Board and approved by  
2 the Department Advisory Council, 15 hours of which must consist  
3 of situational and case studies presented in a ~~the~~ classroom or  
4 a live, interactive webinar, online distance education course,  
5 or home study course. Credit for courses taken through a home  
6 study course shall require passage of ~~or by other interactive~~  
7 ~~delivery method between the instructor and the students, and~~  
8 ~~personally take and pass~~ an examination approved by the  
9 Department prior to the first renewal of their broker's  
10 license.

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

1 meet the requirements for a new license.

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

16 (e) The Department shall establish and maintain a register  
17 of all persons currently licensed by the State and shall issue  
18 and prescribe a form of pocket card. Upon payment by a licensee  
19 of the appropriate fee as prescribed by rule for engagement in  
20 the activity for which the licensee is qualified and holds a  
21 license for the current period, the Department shall issue a  
22 pocket card to the licensee. The pocket card shall be  
23 verification that the required fee for the current period has  
24 been paid and shall indicate that the person named thereon is  
25 licensed for the current renewal period as a managing broker,  
26 broker, or leasing agent as the case may be. The pocket card

1 shall further indicate that the person named thereon is  
2 authorized by the Department to engage in the licensed activity  
3 appropriate for his or her status (managing broker, broker, or  
4 leasing agent). Each licensee shall carry on his or her person  
5 his or her pocket card or, if such pocket card has not yet been  
6 issued, a properly issued sponsor card when engaging in any  
7 licensed activity and shall display the same on demand.

8 (f) The Department shall provide to the sponsoring broker a  
9 notice of renewal for all sponsored licensees by mailing the  
10 notice to the sponsoring broker's address of record, or, at the  
11 Department's discretion, by an electronic means as provided for  
12 by rule.

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

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



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

2 Sec. 5-70. Continuing education requirement; managing  
3 broker or broker.

4 (a) The requirements of this Section apply to all managing  
5 brokers and brokers.

6 (b) Except as otherwise provided in this Section, each  
7 person who applies for renewal of his or her license as a  
8 managing broker or broker must successfully complete 6 hours of  
9 real estate continuing education courses recommended by the  
10 Board and approved by the Department ~~Advisory Council~~ for each  
11 year of the pre-renewal period. In addition, beginning with the  
12 pre-renewal period for managing broker licensees that begins  
13 after the effective date of this Act, those licensees renewing  
14 or obtaining a managing broker's license must successfully  
15 complete a 12-hour broker management continuing education  
16 course approved by the Department each pre-renewal period. The  
17 broker management continuing education course must be  
18 completed in the classroom or by other interactive delivery  
19 method between the instructor and the students. Successful  
20 completion of the course shall include achieving a passing  
21 score as provided by rule on a test developed and administered  
22 in accordance with rules adopted by the Department. No license  
23 may be renewed except upon the successful completion of the  
24 required courses or their equivalent or upon a waiver of those  
25 requirements for good cause shown as determined by the  
26 Secretary with the recommendation of the Board ~~Advisory~~

1 ~~Council~~. The requirements of this Article are applicable to all  
2 managing brokers and brokers except those managing brokers and  
3 brokers who, during the pre-renewal period:

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

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

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

7 (4) are admitted to practice law pursuant to Illinois  
8 Supreme Court rule.

9 (c) (Blank).

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

14 (e) The continuing education requirement for brokers and  
15 managing brokers shall consist of a single core curriculum and  
16 an elective curriculum, to be recommended ~~established~~ by the  
17 Board and approved by the Department in accordance with this  
18 subsection. The core curriculum shall not be further divided  
19 into subcategories or divisions of instruction. The core  
20 curriculum shall consist of 4 hours per 2-year ~~Advisory~~  
21 ~~Council. In meeting the continuing education requirements of~~  
22 ~~this Act, at least 3 hours per year or their equivalent, 6~~  
23 ~~hours for each two-year pre-renewal period~~ on subjects that may  
24 include, but are not limited to, advertising, agency,  
25 disclosures, escrow, fair housing, leasing agent management,  
26 and license law. The amount of time allotted to each of these

1 subjects shall be recommended by the Board and determined by  
2 the Department, shall be required to be completed in the core  
3 curriculum. The Department, upon the recommendation of the  
4 Board, shall review the core curriculum every 4 years, at a  
5 minimum, and shall revise the curriculum if necessary. However,  
6 the core curriculum's total hourly requirement shall only be  
7 subject to change by amendment of this subsection, and any  
8 change to the core curriculum shall not be effective for a  
9 period of 6 months after such change is made by the Department.  
10 The Department shall provide notice to all approved education  
11 providers of any changes to the core curriculum. When  
12 determining whether revisions of the core curriculum's  
13 subjects or specific time requirements are necessary In  
14 establishing the core curriculum, the Board Advisory Council  
15 shall consider subjects that will educate licensees on recent  
16 changes in applicable laws, and new laws, and refresh the  
17 licensee on areas of the license law and the Department policy  
18 that the Board Advisory Council deems appropriate, and any  
19 other subject areas the Board that the Advisory Council deems  
20 timely and applicable in order to prevent violations of this  
21 Act and to protect the public. In establishing a recommendation  
22 to the Department regarding the elective curriculum, the Board  
23 Advisory Council shall consider subjects that cover the various  
24 aspects of the practice of real estate that are covered under  
25 the scope of this Act. However, the elective curriculum shall  
26 not include any offerings referred to in Section 5-85 of this

1 ~~Act.~~

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

7 (1) license law and escrow;

8 (2) antitrust;

9 (3) fair housing;

10 (4) agency;

11 (5) appraisal;

12 (6) property management;

13 (7) residential brokerage;

14 (8) farm property management;

15 (9) rights and duties of sellers, buyers, and brokers;

16 (10) commercial brokerage and leasing; ~~and~~

17 (11) real estate financing; ~~and~~

18 (12) disclosures;

19 (13) leasing agent management; and

20 (14) advertising.

21 (g) In lieu of credit for those courses listed in  
22 subsection (f) of this Section, credit may be earned for  
23 serving as a licensed instructor in an approved course of  
24 continuing education. The amount of credit earned for teaching  
25 a course shall be the amount of continuing education credit for  
26 which the course is approved for licensees taking the course.

1 (h) Credit hours may be earned for self-study programs  
2 approved by the Department ~~Advisory Council~~.

3 (i) A managing broker or broker may earn credit for a  
4 specific continuing education course only once during the  
5 pre-renewal ~~prerenewal~~ period.

6 (j) No more than 6 hours of continuing education credit may  
7 be taken in one calendar day.

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

19 (l) Except as specifically provided in this Act, continuing  
20 education credit hours may not be earned for completion of pre  
21 or post-license courses. The approved 30-hour post-license  
22 course for broker licensees shall satisfy the continuing  
23 education requirement for the pre-renewal period in which the  
24 course is taken. The approved 45-hour brokerage administration  
25 and management course shall satisfy the 12-hour broker  
26 management continuing education requirement for the

1 pre-renewal period in which the course is taken.

2 (Source: P.A. 98-531, eff. 8-23-13; 99-227, eff. 8-3-15;  
3 99-728, eff. 1-1-17.)

4 (225 ILCS 454/5-75)

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

6 Sec. 5-75. Out-of-state continuing education credit. If a  
7 renewal applicant has earned continuing education hours in  
8 another state or territory for which he or she is claiming  
9 credit toward full compliance in Illinois, the Board Advisory  
10 Council shall review and recommend to the Department whether it  
11 should, approve, ~~or disapprove~~ those hours based upon whether  
12 the course is one that would be approved under Section 5-70 of  
13 this Act, whether the course meets the basic requirements for  
14 continuing education under this Act, and any other criteria  
15 that is provided by statute or rule.

16 (Source: P.A. 91-245, eff. 12-31-99.)

17 (225 ILCS 454/5-80)

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

19 Sec. 5-80. Evidence of compliance with continuing  
20 education requirements.

21 (a) Each renewal applicant shall certify, on his or her  
22 renewal application, full compliance with continuing education  
23 requirements set forth in Section 5-70. The ~~continuing~~  
24 education provider ~~school~~ shall retain and submit to the

1 Department after the completion of each course evidence of  
2 those successfully completing the course as provided by rule.

3 (b) The Department may require additional evidence  
4 demonstrating compliance with the continuing education  
5 requirements. The renewal applicant shall retain and produce  
6 the evidence of compliance upon request of the Department.

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

8 (225 ILCS 454/20-20)

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

10 Sec. 20-20. Grounds for discipline.

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

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

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

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

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

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

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

25 (6) Engaging in the practice of real estate brokerage  
26 without a license or after the licensee's license or



1       temporary permit was expired or while the license was  
2       inoperative.

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

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

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

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

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

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

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

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

23          (15) Representing or attempting to represent a broker  
24       other than the sponsoring broker.

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

1 others.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25                 (A) A "guaranteed sales plan" is any real estate  
26          purchase or sales plan whereby a licensee enters into a

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

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

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

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

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

25 (F) Any licensee who fails to perform on a  
26 guaranteed sales plan in strict accordance with its

1 terms shall be subject to all the penalties provided in  
2 this Act for violations thereof and, in addition, shall  
3 be subject to a civil fine payable to the party injured  
4 by the default in an amount of up to \$25,000.

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

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

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

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

1 broker.

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

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

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

23 (37) Violating the terms of a disciplinary order issued  
24 by the Department.

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

1           (39) Requiring a party to a transaction who is not a  
2 client of the licensee to allow the licensee to retain a  
3 portion of the escrow moneys for payment of the licensee's  
4 commission or expenses as a condition for release of the  
5 escrow moneys to that party.

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

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

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

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

25           (44) Permitting any leasing agent or temporary leasing  
26 agent permit holder to engage in activities that require a



1           broker's or managing broker's license.

2           (b) The Department may refuse to issue or renew or may  
3 suspend the license of any person who fails to file a return,  
4 pay the tax, penalty or interest shown in a filed return, or  
5 pay any final assessment of tax, penalty, or interest, as  
6 required by any tax Act administered by the Department of  
7 Revenue, until such time as the requirements of that tax Act  
8 are satisfied in accordance with subsection (g) of Section  
9 2105-15 of the Civil Administrative Code of Illinois.

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

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

1 of the Civil Administrative Code of Illinois.

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

22 If the Department or Board finds an individual unable to  
23 practice because of the reasons set forth in this Section, the  
24 Department or Board may require that individual to submit to  
25 care, counseling, or treatment by physicians approved or  
26 designated by the Department or Board, as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to  
2 practice; or, in lieu of care, counseling, or treatment, the  
3 Department may file, or the Board may recommend to the  
4 Department to file, a complaint to immediately suspend, revoke,  
5 or otherwise discipline the license of the individual. An  
6 individual whose license was granted, continued, reinstated,  
7 renewed, disciplined or supervised subject to such terms,  
8 conditions, or restrictions, and who fails to comply with such  
9 terms, conditions, or restrictions, shall be referred to the  
10 Secretary for a determination as to whether the individual  
11 shall have his or her license suspended immediately, pending a  
12 hearing by the Department.

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

22 An individual licensed under this Act and affected under  
23 this Section shall be afforded an opportunity to demonstrate to  
24 the Department or Board that he or she can resume practice in  
25 compliance with acceptable and prevailing standards under the  
26 provisions of his or her license.

1 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;  
2 99-227, eff. 8-3-15.)

3 (225 ILCS 454/20-60)

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

5 Sec. 20-60. Investigations notice and hearing. The  
6 Department may investigate the actions of any applicant or of  
7 any person or persons rendering or offering to render services  
8 or any person holding or claiming to hold a license under this  
9 Act and may notify his or her managing broker and sponsoring  
10 broker of the pending investigation. The Department shall,  
11 before revoking, suspending, placing on probation,  
12 reprimanding, or taking any other disciplinary action under  
13 Article 20 of this Act, at least 30 days before the date set  
14 for the hearing, (i) notify the accused and his or her managing  
15 broker and sponsoring broker in writing of the charges made and  
16 the time and place for the hearing on the charges, (ii) direct  
17 the accused ~~him or her~~ to file a written answer to the charges  
18 with the Board under oath within 20 days after the service on  
19 him or her of the notice, and (iii) inform the accused that if  
20 he or she fails to answer, default will be taken against him or  
21 her or that his or her license may be suspended, revoked,  
22 placed on probationary status, or other disciplinary action  
23 taken with regard to the license, including limiting the scope,  
24 nature, or extent of his or her practice, as the Department may  
25 consider proper. At the time and place fixed in the notice, the

1 Board shall proceed to hear the charges and the parties or  
2 their counsel shall be accorded ample opportunity to present  
3 any pertinent statements, testimony, evidence, and arguments.  
4 The Board may continue the hearing from time to time. In case  
5 the person, after receiving the notice, fails to file an  
6 answer, his or her license may, in the discretion of the  
7 Department, be suspended, revoked, placed on probationary  
8 status, or the Department may take whatever disciplinary action  
9 considered proper, including limiting the scope, nature, or  
10 extent of the person's practice or the imposition of a fine,  
11 without a hearing, if the act or acts charged constitute  
12 sufficient grounds for that action under this Act. The written  
13 notice may be served by personal delivery or by certified mail  
14 to the address specified by the accused in his or her last  
15 notification with the Department and shall include notice to  
16 the managing broker and sponsoring broker. A copy of the  
17 Department's final order shall be delivered to the managing  
18 broker and sponsoring broker.

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

20 (225 ILCS 454/25-10)

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

22 Sec. 25-10. Real Estate Administration and Disciplinary  
23 Board; duties. There is created the Real Estate Administration  
24 and Disciplinary Board. The Board shall be composed of 15 ~~9~~  
25 persons appointed by the Governor. Members shall be appointed

1 to the Board subject to the following conditions:

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

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

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

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

17 The members' terms shall be 4 years or until their  
18 successor is appointed, and the expiration of their terms shall  
19 be staggered. No member shall be reappointed to the Board for a  
20 term that would cause his or her cumulative service to the  
21 Board to exceed 12 years. Appointments to fill vacancies shall  
22 be for the unexpired portion of the term. Those members of the  
23 Board that satisfy the requirements of paragraph (2) shall be  
24 chosen in a manner such that no area of the State shall be  
25 unreasonably represented. ~~The membership of the Board should~~  
26 ~~reasonably reflect the geographic distribution of the licensee~~

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

1 any, may issue rules, consistent with the provisions of this  
2 Act, for the administration and enforcement thereof and may  
3 prescribe forms that shall be used in connection therewith.  
4 Eight ~~Five~~ Board members shall constitute a quorum. A quorum is  
5 required for all Board decisions.

6 (Source: P.A. 98-1109, eff. 1-1-15; 99-227, eff. 8-3-15.)

7 (225 ILCS 454/Art. 30 heading)

8 ARTICLE 30. EDUCATION PROVIDERS AND COURSES ~~SCHOOLS AND~~  
9 ~~INSTRUCTORS~~

10 (225 ILCS 454/30-5)

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

12 Sec. 30-5. Licensing of real estate education providers,  
13 education provider ~~pre license schools, school~~ branches, and  
14 instructors.

15 (a) No person shall operate an education provider entity  
16 without possessing a valid and active license issued by the  
17 Department. Only education providers in possession of a valid  
18 education provider license may provide real estate  
19 pre-license, post-license, or continuing education courses  
20 that satisfy the requirements of this Act. Every person that  
21 desires to obtain an education provider license shall make  
22 application to the Department in writing on forms prescribed by  
23 the Department and pay the fee prescribed by rule. In addition  
24 to any other information required to be contained in the



1 application as prescribed by rule, every application for an  
2 original or renewed license shall include the applicant's  
3 Social Security number or tax identification number. ~~No person~~  
4 ~~shall operate a pre-license school or school branch without~~  
5 ~~possessing a valid pre license school or school branch license~~  
6 ~~issued by the Department. No person shall act as a pre license~~  
7 ~~instructor at a pre license school or school branch without~~  
8 ~~possessing a valid pre license instructor license issued by the~~  
9 ~~Department. Every person who desires to obtain a pre license~~  
10 ~~school, school branch, or pre-license instructor license shall~~  
11 ~~make application to the Department in writing in form and~~  
12 ~~substance satisfactory to the Department and pay the required~~  
13 ~~fees prescribed by rule. In addition to any other information~~  
14 ~~required to be contained in the application, every application~~  
15 ~~for an original license shall include the applicant's Social~~  
16 ~~Security number, which shall be retained in the agency's~~  
17 ~~records pertaining to the license. As soon as practical, the~~  
18 ~~Department shall assign a customer's identification number to~~  
19 ~~each applicant for a license.~~

20 ~~Every application for a renewal or restored license shall~~  
21 ~~require the applicant's customer identification number.~~

22 ~~The Department shall issue a pre-license school, school~~  
23 ~~branch, or pre-license instructor license to applicants who~~  
24 ~~meet qualification criteria established by rule. The~~  
25 ~~Department may refuse to issue, suspend, revoke, or otherwise~~  
26 ~~discipline a pre license school, school branch, or pre license~~

1 ~~instructor license or may withdraw approval of a course offered~~  
2 ~~by a pre-license school for good cause. Disciplinary~~  
3 ~~proceedings shall be conducted by the Board in the same manner~~  
4 ~~as other disciplinary proceedings under this Act.~~

5 (b) (Blank). ~~All pre-license instructors must teach at~~  
6 ~~least one course within the period of licensure or take an~~  
7 ~~instructor training program approved by the Department in lieu~~  
8 ~~thereof. A pre-license instructor may teach at more than one~~  
9 ~~licensed pre-license school.~~

10 (c) (Blank). ~~The term of license for pre-license schools,~~  
11 ~~branches, and instructors shall be 2 years as established by~~  
12 ~~rule.~~

13 (d) (Blank). ~~The Department or the Advisory Council may,~~  
14 ~~after notice, cause a pre-license school to attend an informal~~  
15 ~~conference before the Advisory Council for failure to comply~~  
16 ~~with any requirement for licensure or for failure to comply~~  
17 ~~with any provision of this Act or the rules for the~~  
18 ~~administration of this Act. The Advisory Council shall make a~~  
19 ~~recommendation to the Board as a result of its findings at the~~  
20 ~~conclusion of any such informal conference.~~

21 (e) (Blank). ~~For purposes of this Section, the term~~  
22 ~~"pre-license" shall also include the 30-hour post-license~~  
23 ~~course required to be taken to retain a broker's license.~~

24 (f) To qualify for an education provider license, an  
25 applicant must demonstrate the following:

26 (1) a sound financial base for establishing,

1 promoting, and delivering the necessary courses; budget  
2 planning for the school's courses should be clearly  
3 projected;

4 (2) a sufficient number of qualified, licensed  
5 instructors as provided by rule;

6 (3) adequate support personnel to assist with  
7 administrative matters and technical assistance;

8 (4) maintenance and availability of records of  
9 participation for licensees;

10 (5) the ability to provide each participant who  
11 successfully completes an approved program with a  
12 certificate of completion signed by the administrator of a  
13 licensed education provider on forms provided by the  
14 Department;

15 (6) a written policy dealing with procedures for the  
16 management of grievances and fee refunds;

17 (7) lesson plans and examinations, if applicable, for  
18 each course;

19 (8) a 75% passing grade for successful completion of  
20 any continuing education course or pre-license or  
21 post-license examination, if required;

22 (9) the ability to identify and use instructors who  
23 will teach in a planned program; instructor selections must  
24 demonstrate:

25 (A) appropriate credentials;

26 (B) competence as a teacher;

1                   (C) knowledge of content area; and

2                   (D) qualification by experience.

3           Unless otherwise provided for in this Section, the  
4 education provider shall provide a proctor or an electronic  
5 means of proctoring for each examination; the education  
6 provider shall be responsible for the conduct of the proctor;  
7 the duties and responsibilities of a proctor shall be  
8 established by rule.

9           Unless otherwise provided for in this Section, the  
10 education provider must provide for closed book examinations  
11 for each course unless the Department, upon the recommendation  
12 of the Board, excuses this requirement based on the complexity  
13 of the course material.

14           (g) Advertising and promotion of education activities must  
15 be carried out in a responsible fashion clearly showing the  
16 educational objectives of the activity, the nature of the  
17 audience that may benefit from the activity, the cost of the  
18 activity to the participant and the items covered by the cost,  
19 the amount of credit that can be earned, and the credentials of  
20 the faculty.

21           (h) The Department may, or upon request of the Board shall,  
22 after notice, cause an education provider to attend an informal  
23 conference before the Board for failure to comply with any  
24 requirement for licensure or for failure to comply with any  
25 provision of this Act or the rules for the administration of  
26 this Act. The Board shall make a recommendation to the

1 Department as a result of its findings at the conclusion of any  
2 such informal conference.

3 (i) All education providers shall maintain these minimum  
4 criteria and pay the required fee in order to retain their  
5 education provider license.

6 (j) The Department may adopt any administrative rule  
7 consistent with the language and intent of this Act that may be  
8 necessary for the implementation and enforcement of this  
9 Section.

10 (Source: P.A. 96-856, eff. 12-31-09; 97-400, eff. 1-1-12.)

11 (225 ILCS 454/30-15)

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

13 Sec. 30-15. Licensing of ~~continuing~~ education providers  
14 ~~schools~~; approval of courses.

15 (a) (Blank). ~~Only continuing education schools in~~  
16 ~~possession of a valid continuing education school license may~~  
17 ~~provide real estate continuing education courses that will~~  
18 ~~satisfy the requirements of this Act. Pre license schools~~  
19 ~~licensed to offer pre license education courses for brokers,~~  
20 ~~managing brokers, or leasing agents shall qualify for a~~  
21 ~~continuing education school license upon completion of an~~  
22 ~~application and the submission of the required fee. Every~~  
23 ~~entity that desires to obtain a continuing education school~~  
24 ~~license shall make application to the Department in writing in~~  
25 ~~forms prescribed by the Department and pay the fee prescribed~~

1 ~~by rule. In addition to any other information required to be~~  
2 ~~contained in the application, every application for an original~~  
3 ~~or renewed license shall include the applicant's Social~~  
4 ~~Security number.~~

5 (b) (Blank). ~~The criteria for a continuing education~~  
6 ~~license shall include the following:~~

7 ~~(1) A sound financial base for establishing,~~  
8 ~~promoting, and delivering the necessary courses. Budget~~  
9 ~~planning for the School's courses should be clearly~~  
10 ~~projected.~~

11 ~~(2) A sufficient number of qualified, licensed~~  
12 ~~instructors as provided by rule.~~

13 ~~(3) Adequate support personnel to assist with~~  
14 ~~administrative matters and technical assistance.~~

15 ~~(4) Maintenance and availability of records of~~  
16 ~~participation for licensees.~~

17 ~~(5) The ability to provide each participant who~~  
18 ~~successfully completes an approved program with a~~  
19 ~~certificate of completion signed by the administrator of a~~  
20 ~~licensed continuing education school on forms provided by~~  
21 ~~the Department.~~

22 ~~(6) The continuing education school must have a written~~  
23 ~~policy dealing with procedures for the management of~~  
24 ~~grievances and fee refunds.~~

25 ~~(7) The continuing education school shall maintain~~  
26 ~~lesson plans and examinations for each course.~~

1           ~~(8) The continuing education school shall require a 70%~~  
2           ~~passing grade for successful completion of any continuing~~  
3           ~~education course.~~

4           ~~(9) The continuing education school shall identify and~~  
5           ~~use instructors who will teach in a planned program.~~  
6           ~~Suggested criteria for instructor selections include:~~

7                   ~~(A) appropriate credentials;~~

8                   ~~(B) competence as a teacher;~~

9                   ~~(C) knowledge of content area; and~~

10                   ~~(D) qualification by experience.~~

11           ~~(10) The continuing education school shall provide a~~  
12           ~~proctor or an electronic means of proctoring for each~~  
13           ~~examination. The continuing education school shall be~~  
14           ~~responsible for the conduct of the proctor. The duties and~~  
15           ~~responsibilities of a proctor shall be established by rule.~~

16           ~~(11) The continuing education school must provide for~~  
17           ~~closed book examinations for each course unless the~~  
18           ~~Advisory Council excuses this requirement based on the~~  
19           ~~complexity of the course material.~~

20           (c) (Blank). ~~Advertising and promotion of continuing~~  
21           ~~education activities must be carried out in a responsible~~  
22           ~~fashion, clearly showing the educational objectives of the~~  
23           ~~activity, the nature of the audience that may benefit from the~~  
24           ~~activity, the cost of the activity to the participant and the~~  
25           ~~items covered by the cost, the amount of credit that can be~~  
26           ~~earned, and the credentials of the faculty.~~

1           (d) (Blank). ~~The Department may or upon request of the~~  
2 ~~Advisory Council shall, after notice, cause a continuing~~  
3 ~~education school to attend an informal conference before the~~  
4 ~~Advisory Council for failure to comply with any requirement for~~  
5 ~~licensure or for failure to comply with any provision of this~~  
6 ~~Act or the rules for the administration of this Act. The~~  
7 ~~Advisory Council shall make a recommendation to the Board as a~~  
8 ~~result of its findings at the conclusion of any such informal~~  
9 ~~conference.~~

10           (e) (Blank). ~~All continuing education schools shall~~  
11 ~~maintain these minimum criteria and pay the required fee in~~  
12 ~~order to retain their continuing education school license.~~

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



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

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

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

1 continuing education courses for ~~continuing~~ education credit  
2 from that education provider school upon the failure of that  
3 ~~continuing~~ education provider school to comply with the  
4 provisions of this Act or the rules for the administration of  
5 this Act, until such time as the Department receives  
6 satisfactory assurance of compliance. The Department shall  
7 notify the ~~continuing~~ education provider school of the  
8 noncompliance and may initiate disciplinary proceedings  
9 pursuant to this Act. The Department may refuse to issue,  
10 suspend, revoke, or otherwise discipline the license of an a  
11 ~~continuing~~ education provider school or may withdraw approval  
12 of a pre-license, post-license, or continuing education course  
13 for good cause. Failure to comply with the requirements of this  
14 Section or any other requirements established by rule shall be  
15 deemed to be good cause. Disciplinary proceedings shall be  
16 conducted by the Board in the same manner as other disciplinary  
17 proceedings under this Act.

18 (i) Pre-license, post-license, and continuing education  
19 courses, whether submitted for approval at the time of an  
20 education provider's initial application for licensure or  
21 otherwise, must meet the following minimum course  
22 requirements:

23 (1) No continuing education course shall be required to  
24 be taught in increments longer than 2 hours in duration;  
25 however, for each 2 hours of course time in each course,  
26 there shall be a minimum of 100 minutes of instruction.

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

4           (3) Courses provided through a live, interactive  
5           webinar shall require all participants to demonstrate  
6           their attendance in and attention to the course by  
7           answering or responding to at least one polling question  
8           per 30 minutes of course instruction. In no event shall the  
9           interval between polling questions exceed 30 minutes.

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

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

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

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

25           (k) The Department may adopt any administrative rule  
26           consistent with the language and intent of this Act that may be

1 necessary for the implementation and enforcement of this  
2 Section.

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

4 (225 ILCS 454/30-20)

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

6 Sec. 30-20. Fees for ~~continuing~~ education provider ~~school~~  
7 license; renewal; term. All applications for an ~~a continuing~~  
8 education provider ~~school~~ license shall be accompanied by a  
9 nonrefundable application fee in an amount established by rule.  
10 All ~~continuing~~ education providers ~~schools~~ shall be required to  
11 submit a renewal application, the required fee as established  
12 by rule, and a listing of the courses to be offered during the  
13 year in order to renew their ~~continuing~~ education provider  
14 ~~school~~ licenses. The term for an ~~a continuing~~ education  
15 provider ~~school~~ license shall be 2 years ~~and as established by~~  
16 ~~rule~~. The fees collected under this Article 30 shall be  
17 deposited in the Real Estate License Administration Fund and  
18 shall be used to defray the cost of administration of the  
19 program and per diem of the Board ~~Advisory Council~~ as  
20 determined by the Secretary.

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

22 (225 ILCS 454/30-25)

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

24 Sec. 30-25. Licensing of ~~continuing~~ education provider

1 instructors.

2 (a) No ~~such~~ person shall act as either a pre-license or  
3 continuing education instructor ~~at a continuing education~~  
4 ~~school or branch~~ without possessing a valid pre-license or  
5 continuing education instructor license and satisfying any  
6 other qualification criteria established by the Department by  
7 rule.

8 (a-5) Each person that is an instructor for pre-license,  
9 continuing education core curriculum, or broker management  
10 education courses shall meet specific criteria established by  
11 the Department by rule. Those persons who have not met the  
12 criteria shall only teach continuing education elective  
13 curriculum courses.

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

22 (b-5) The term of licensure for a pre-license or continuing  
23 education instructor shall be 2 years and as established by  
24 rule. Every person who desires to obtain a pre-license or  
25 continuing education instructor license shall make application  
26 to the Department in writing on forms prescribed by the

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

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

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

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

26 (d) Each course transcript submitted by an education

1 provider to the Department shall include the name and license  
2 number of the pre-license or continuing education instructor  
3 for the course.

4 (e) Licensed education provider instructors may teach for  
5 more than one licensed education provider.

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

10 (Source: P.A. 96-856, eff. 12-31-09; 97-400, eff. 1-1-12.)

11 (225 ILCS 454/5-26 rep.)

12 (225 ILCS 454/5-85 rep.)

13 (225 ILCS 454/20-78 rep.)

14 (225 ILCS 454/30-10 rep.)

15 Section 10. The Real Estate License Act of 2000 is amended  
16 by repealing Sections 5-26, 5-85, 20-78, and 30-10.

17 Section 99. Effective date. This Act takes effect January  
18 1, 2018."