



## 100TH GENERAL ASSEMBLY

### State of Illinois

2017 and 2018

HB5505

by Rep. Tony McCombie

#### SYNOPSIS AS INTRODUCED:

225 ILCS 407/30-30  
225 ILCS 427/25  
225 ILCS 454/25-10  
225 ILCS 458/25-10

Amends the Auction License Act, the Community Association Manager Licensing and Disciplinary Act, the Real Estate License Act of 2000, and the Real Estate Appraiser Licensing Act of 2002. Makes changes to the terms for members of the Auction Advisory Board, the Community Association Manager Licensing and Disciplinary Board, the Real Estate Administration and Disciplinary Board, and the Real Estate Appraisal Administration and Disciplinary Board. Provides that the members' terms shall be for 4 years and the term expires upon completion of the term. Provides that the Community Association Manager Licensing and Disciplinary Board that are serving on the Board on the effective date of the amendatory Act may serve the remainder of their unexpired terms. Provides that no member of the Real Estate Administration and Disciplinary Board shall be reappointed to the Board for a term that would cause his or her cumulative service to the Board to exceed 10 years (rather than 12 years). Makes changes to the appointment process for vacancies on the Auction Advisory Board, the Community Association Manager Licensing and Disciplinary Board, and the Real Estate Appraisal Administration and Disciplinary Board. Effective immediately.

LRB100 17554 XWW 32724 b

1 AN ACT concerning regulation.

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

4 Section 5. The Auction License Act is amended by changing  
5 Section 30-30 as follows:

6 (225 ILCS 407/30-30)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 30-30. Auction Advisory Board.

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

1 other connection with the profession. One member shall be  
2 actively engaged in the real estate industry and licensed as a  
3 broker or salesperson. The Advisory Board shall annually elect  
4 one of its members to serve as Chairperson.

5 (b) The members' terms shall be for 4 years and expire upon  
6 completion of the term. No member shall be reappointed to the  
7 Board for a term that would cause his or her cumulative service  
8 to the Board to exceed 10 years. Appointments to fill vacancies  
9 shall be made by the Secretary for the unexpired portion of the  
10 term. ~~Members shall be appointed for a term of 4 years, except~~  
11 ~~that of the initial appointments, 3 members shall be appointed~~  
12 ~~to serve a term of 3 years and 4 members shall be appointed to~~  
13 ~~serve a term of 4 years. The Secretary shall fill a vacancy for~~  
14 ~~the remainder of any unexpired term. Each member shall serve on~~  
15 ~~the Advisory Board until his or her successor is appointed and~~  
16 ~~qualified. No person shall be appointed to serve more than 2~~  
17 ~~terms, including the unexpired portion of a term due to~~  
18 ~~vacancy.~~ To the extent practicable, the Secretary shall appoint  
19 members to ensure ~~insure~~ that the various geographic regions of  
20 the State are properly represented on the Advisory Board.

21 (c) Four Board members shall constitute a quorum. A quorum  
22 is required for all Board decisions.

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

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

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

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

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

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

14           Section 10. The Community Association Manager Licensing  
15 and Disciplinary Act is amended by changing Section 25 as  
16 follows:

17           (225 ILCS 427/25)

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

19           Sec. 25. Community Association Manager Licensing and  
20 Disciplinary Board.

21           (a) There is hereby created the Community Association  
22 Manager Licensing and Disciplinary Board, which shall consist  
23 of 7 members appointed by the Secretary. All members must be  
24 residents of the State and must have resided in the State for

1 at least 5 years immediately preceding the date of appointment.  
2 Five members of the Board must be licensees under this Act, at  
3 least two members of which shall be supervising community  
4 association managers. Two members of the Board shall be owners  
5 of, or hold a shareholder's interest in, a unit in a community  
6 association at the time of appointment who are not licensees  
7 under this Act and have no direct affiliation or work  
8 experience with the community association's community  
9 association manager. This Board shall act in an advisory  
10 capacity to the Department.

11 (b) Members serving on the Board on the effective date of  
12 this amendatory Act of the 100th General Assembly may serve the  
13 remainder of their unexpired terms. Thereafter, the members'  
14 terms shall be for 4 years and expire upon completion of the  
15 term. No member shall be reappointed to the Board for a term  
16 that would cause his or her cumulative service to the Board to  
17 exceed 10 years. Appointments to fill vacancies shall be made  
18 by the Secretary for the unexpired portion of the term. Board  
19 ~~members shall serve for terms of 5 years, except that,~~  
20 ~~initially, 4 members shall serve for 5 years and 3 members~~  
21 ~~shall serve for 4 years. All members shall serve until his or~~  
22 ~~her successor is appointed and qualified. All vacancies shall~~  
23 ~~be filled in like manner for the unexpired term. No member~~  
24 ~~shall serve for more than 2 successive terms.~~ The Secretary  
25 shall remove from the Board any member whose license has become  
26 void or has been revoked or suspended and may remove any member

1 of the Board for neglect of duty, misconduct, or incompetence.  
2 A member who is subject to formal disciplinary proceedings  
3 shall disqualify himself or herself from all Board business  
4 until the charge is resolved. A member also shall disqualify  
5 himself or herself from any matter on which the member cannot  
6 act objectively.

7 (c) Four Board members shall constitute a quorum. A quorum  
8 is required for all Board decisions.

9 (d) The Board shall elect annually a chairperson and vice  
10 chairperson.

11 (e) Each member shall receive reimbursement as set by the  
12 Governor's Travel Control Board for expenses incurred in  
13 carrying out the duties as a Board member. The Board shall be  
14 compensated as determined by the Secretary.

15 (f) The Board may recommend policies, procedures, and rules  
16 relevant to the administration and enforcement of this Act.

17 (Source: P.A. 98-365, eff. 1-1-14.)

18 Section 15. The Real Estate License Act of 2000 is amended  
19 by changing Section 25-10 as follows:

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

1 persons appointed by the Governor. Members shall be appointed  
2 to the Board subject to the following conditions:

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

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

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

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

18 The members' terms shall be for 4 years and expire upon  
19 completion of the term ~~or until their successor is appointed,~~  
20 ~~and the expiration of their terms shall be staggered.~~ No member  
21 shall be reappointed to the Board for a term that would cause  
22 his or her cumulative service to the Board to exceed 10 ~~12~~  
23 years. Appointments to fill vacancies shall be for the  
24 unexpired portion of the term. Those members of the Board that  
25 satisfy the requirements of paragraph (2) shall be chosen in a  
26 manner such that no area of the State shall be unreasonably

1 represented. In making the appointments, the Governor shall  
2 give due consideration to the recommendations by members and  
3 organizations of the profession. The Governor may terminate the  
4 appointment of any member for cause that in the opinion of the  
5 Governor reasonably justifies the termination. Cause for  
6 termination shall include without limitation misconduct,  
7 incapacity, neglect of duty, or missing 4 board meetings during  
8 any one calendar year. Each member of the Board may receive a  
9 per diem stipend in an amount to be determined by the  
10 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 under this Act. With  
17 regard to this subject matter, the Secretary may establish  
18 temporary or permanent committees of the Board and may consider  
19 the recommendations of the Board on matters that include, but  
20 are not limited to, criteria for the licensing and renewal of  
21 education providers, pre-license and continuing education  
22 instructors, pre-license and continuing education curricula,  
23 standards of educational criteria, and qualifications for  
24 licensure and renewal of professions, courses, and  
25 instructors. The Department, after notifying and considering  
26 the recommendations of the Board, if any, may issue rules,



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

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

7 Section 20. The Real Estate Appraiser Licensing Act of 2002  
8 is amended by changing Section 25-10 as follows:

9 (225 ILCS 458/25-10)

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

11 Sec. 25-10. Real Estate Appraisal Administration and  
12 Disciplinary Board; appointment.

13 (a) There is hereby created the Real Estate Appraisal  
14 Administration and Disciplinary Board. The Board shall be  
15 composed of 10 persons appointed by the Governor, plus the  
16 Coordinator of the Real Estate Appraisal Division. Members  
17 shall be appointed to the Board subject to the following  
18 conditions:

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

22 (2) The appointed membership of the Board should  
23 reasonably reflect the geographic distribution of the  
24 population of the State.

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

5           (4) Two appointed members shall have been actively  
6 engaged and currently licensed as State certified  
7 residential real estate appraisers for a period of not less  
8 than 5 years.

9           (5) Two appointed members shall hold a valid license as  
10 a real estate broker for at least 10 years prior to the  
11 date of the appointment, one of whom shall hold a valid  
12 State certified general real estate appraiser license  
13 issued under this Act or a predecessor Act for a period of  
14 at least 5 years prior to the appointment and one of whom  
15 shall hold a valid State certified residential real estate  
16 appraiser license issued under this Act or a predecessor  
17 Act for a period of at least 5 years prior to the  
18 appointment.

19           (6) One appointed member shall be a representative of a  
20 financial institution, as evidenced by his or her  
21 employment with a financial institution.

22           (7) One appointed member shall represent the interests  
23 of the general public. This member or his or her spouse  
24 shall not be licensed under this Act nor be employed by or  
25 have any interest in an appraisal business, appraisal  
26 management company, real estate brokerage business, or a

1 financial institution.

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

6 In making the appointments as provided in paragraph (5) of  
7 this subsection, the Governor shall give due consideration to  
8 the recommendations by members and organizations representing  
9 the real estate industry.

10 In making the appointment as provided in paragraph (6) of  
11 this subsection, the Governor shall give due consideration to  
12 the recommendations by members and organizations representing  
13 financial institutions.

14 (b) The members' terms shall be for 4 years and expire upon  
15 completion of the term. No member shall be reappointed to the  
16 Board for a term that would cause his or her cumulative service  
17 to the Board to exceed 10 years. Appointments to fill vacancies  
18 shall be for the unexpired portion of the term. ~~The term for~~  
19 ~~members of the Board shall be 4 years, and each member shall~~  
20 ~~serve until his or her successor is appointed and qualified.~~

21 (c) The Governor may terminate the appointment of a member  
22 for cause that, in the opinion of the Governor, reasonably  
23 justifies the termination. Cause for termination may include,  
24 without limitation, misconduct, incapacity, neglect of duty,  
25 or missing 4 Board meetings during any one calendar year.

26 (d) A majority of the Board members shall constitute a

1 quorum. A vacancy in the membership of the Board shall not  
2 impair the right of a quorum to exercise all of the rights and  
3 perform all of the duties of the Board.

4 (e) The Board shall meet at least quarterly and may be  
5 convened by the Chairperson, Vice-Chairperson, or 3 members of  
6 the Board upon 10 days written notice.

7 (f) The Board shall, annually at the first meeting of the  
8 fiscal year, elect a Chairperson and Vice-Chairperson from its  
9 members. The Chairperson shall preside over the meetings and  
10 shall coordinate with the Coordinator in developing and  
11 distributing an agenda for each meeting. In the absence of the  
12 Chairperson, the Vice-Chairperson shall preside over the  
13 meeting.

14 (g) The Coordinator of the Real Estate Appraisal Division  
15 shall serve as a member of the Board without vote.

16 (h) The Board shall advise and make recommendations to the  
17 Department on the education and experience qualifications of  
18 any applicant for initial licensure as a State certified  
19 general real estate appraiser or a State certified residential  
20 real estate appraiser. The Department shall not make any  
21 decisions concerning education or experience qualifications of  
22 an applicant for initial licensure as a State certified general  
23 real estate appraiser or a State certified residential real  
24 estate appraiser without having first received the advice and  
25 recommendation of the Board and shall give due consideration to  
26 all such advice and recommendations; however, if the Board does

1 not render advice or make a recommendation within a reasonable  
2 amount of time, then the Department may render a decision.

3 (i) Except as provided in Section 15-17 of this Act, the  
4 Board shall hear and make recommendations to the Secretary on  
5 disciplinary matters that require a formal evidentiary  
6 hearing. The Secretary shall give due consideration to the  
7 recommendations of the Board involving discipline and  
8 questions involving standards of professional conduct of  
9 licensees.

10 (j) The Department shall seek and the Board shall provide  
11 recommendations to the Department consistent with the  
12 provisions of this Act and for the administration and  
13 enforcement of all rules adopted pursuant to this Act. The  
14 Department shall give due consideration to such  
15 recommendations prior to adopting rules.

16 (k) The Department shall seek and the Board shall provide  
17 recommendations to the Department on the approval of all  
18 courses submitted to the Department pursuant to this Act and  
19 the rules adopted pursuant to this Act. The Department shall  
20 not approve any courses without having first received the  
21 recommendation of the Board and shall give due consideration to  
22 such recommendations prior to approving and licensing courses;  
23 however, if the Board does not make a recommendation within a  
24 reasonable amount of time, then the Department may approve  
25 courses.

26 (l) Each voting member of the Board shall receive a per

1 diem stipend in an amount to be determined by the Secretary.  
2 Each member shall be paid his or her necessary expenses while  
3 engaged in the performance of his or her duties.

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

7 (n) If the Department disagrees with any advice or  
8 recommendation provided by the Board under this Section to the  
9 Secretary or the Department, then notice of such disagreement  
10 must be provided to the Board by the Department.

11 (o) Upon resolution adopted at any Board meeting, the  
12 exercise of any Board function, power, or duty enumerated in  
13 this Section or in subsection (d) of Section 15-10 of this Act  
14 may be suspended. The exercise of any suspended function,  
15 power, or duty of the Board may be reinstated by a resolution  
16 adopted at a subsequent Board meeting. Any resolution adopted  
17 pursuant to this Section shall take effect immediately.

18 (Source: P.A. 98-1109, eff. 1-1-15.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.