



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB4513**

Introduced 01/11/06, by Rep. Brandon W. Phelps

**SYNOPSIS AS INTRODUCED:**

225 ILCS 454/15-17 new  
225 ILCS 454/20-80  
765 ILCS 705/4 new

Amends the Real Estate License Act of 2000 and the Landlord and Tenant Act. Requires persons licensed under the Real Estate License Act of 2000 and lessors of residential rental property to inform clients and potential lessees of the existence, general content, and website address of the Illinois Sex Offender Registry. Provides that any licensee or lessor who fails to provide a client or potential lessee with the information is guilty of a business offense.

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CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning regulation.

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

4 Section 5. The Real Estate License Act of 2000 is amended  
5 by adding Section 15-17 and by changing Section 20-80 as  
6 follows:

7 (225 ILCS 454/15-17 new)

8 (Section scheduled to be repealed on January 1, 2010)

9 Sec. 15-17. Sex Offender Registry disclosure.

10 (a) Prior to entering into a brokerage agreement, a  
11 licensee representing a client must inform that client of the  
12 existence, general content, and website address of the Illinois  
13 Sex Offender Registry maintained by the Illinois State Police.  
14 A written brokerage agreement entered into between a licensee  
15 and client must contain a provision attesting to the fact that  
16 the information has been provided, which provision must be  
17 signed by the client and, in the event that the brokerage  
18 agreement is oral, a separate written verification attesting to  
19 the provision of the required information shall be presented  
20 to, and must be signed by, the client and retained in the  
21 records of the licensee, as required by OBRE.

22 (b) Any licensee who violates the provisions of this  
23 Section is guilty of a business offense, punishable by a fine  
24 of \$1,001 for the first offense and \$2,000 for each subsequent  
25 offense.

26 (225 ILCS 454/20-80)

27 (Section scheduled to be repealed on January 1, 2010)

28 Sec. 20-80. Penalties; injunction. Any person violating  
29 any provision of this Act other than subdivision (4) of  
30 subsection (h) of Section 20-20 and other than Section 5-15 or  
31 Section 5-17 or any person failing to account for or to remit

1 any moneys coming into his or her possession that belong to  
2 others or commingling the money or other property of his or her  
3 principal with his or her own, upon conviction for the first  
4 offense, is guilty of a Class C misdemeanor, and if a limited  
5 liability company, registered limited liability partnership,  
6 or corporation, is guilty of a business offense and shall be  
7 fined not to exceed \$2,000. Upon conviction of a second or  
8 subsequent offense the violator, if an individual, is guilty of  
9 a Class A misdemeanor, and if a limited liability company,  
10 registered limited liability partnership, or corporation, is  
11 guilty of a business offense and shall be fined not less than  
12 \$2,000 nor more than \$5,000. Any person, limited liability  
13 company, registered limited liability partnership, or  
14 corporation violating any provision of Section 5-15 of this  
15 Act, upon conviction for the first offense, if an individual,  
16 is guilty of a Class A misdemeanor, and if a limited liability  
17 company, registered limited liability partnership, or  
18 corporation, is guilty of a business offense and shall be fined  
19 not to exceed \$10,000. Upon conviction of a second or  
20 subsequent offense the violator, if an individual, is guilty of  
21 a Class 4 felony, and if a limited liability company,  
22 registered limited liability partnership, or corporation, is  
23 guilty of a business offense and shall be fined not less than  
24 \$10,000 nor more than \$25,000. Any officer or agent of a  
25 corporation or member or agent of a partnership, limited  
26 liability company, or registered limited liability partnership  
27 who shall personally participate in or be an accessory to any  
28 violation of this Act by the corporation, limited liability  
29 company, registered limited liability partnership, or  
30 partnership shall be subject to the penalties herein prescribed  
31 for individuals, and the State's Attorney of the county where  
32 the offense is committed shall prosecute all persons violating  
33 the provisions of this Act upon proper complaint being made.  
34 All fines and penalties shall be deposited in the Real Estate  
35 Recovery Fund in the State Treasury. OBRE shall have the duty  
36 and the right on behalf of the People of the State of Illinois

1 to originate injunction proceedings against any person acting  
2 or purporting to act as a licensee without a license issued  
3 under the provisions of this Act. OBRE shall also have the duty  
4 and the right on behalf of the People of the State of Illinois  
5 to originate injunction proceedings against any licensee to  
6 enjoin acts by the licensee that constitute violations of this  
7 Act.

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

9 Section 10. The Landlord and Tenant Act is amended by  
10 adding Section 4 as follows:

11 (765 ILCS 705/4 new)

12 Sec. 4. Sex Offender Registry disclosure.

13 (a) Prior to entering into a rental agreement for  
14 residential, rental property, the lessor of the property must  
15 inform the potential lessee of the existence, general content,  
16 and website address of the Illinois Sex Offender Registry  
17 maintained by the Illinois State Police. A written rental  
18 agreement entered into between a lessor and lessee must contain  
19 a provision attesting to the fact that the information has been  
20 provided, which provision must be signed by the lessee and, in  
21 the event that the rental agreement is oral, a separate written  
22 verification attesting to the provision of the required  
23 information shall be presented to, and must be signed by, the  
24 lessee and retained in any requisite records of the lessor.

25 (b) Any lessor who violates the provisions of this Section  
26 is guilty of a business offense, punishable by a fine of \$1,001  
27 for the first offense and \$2,000 for each subsequent offense.