



## 96TH GENERAL ASSEMBLY

### State of Illinois

2009 and 2010

**HB2498**

Introduced 2/20/2009, by Rep. Kevin A. McCarthy - Angelo Saviano

#### **SYNOPSIS AS INTRODUCED:**

See Index

Amends the Real Estate License Act of 2000. Changes references to (1) the Commissioner of Banks and Real Estate to the Secretary of the Department of Financial and Professional Regulation and (2) the Office of Banks and Real Estate to the Department of Financial and Professional Regulation. Changes provisions concerning the application process for a leasing agent license. Requires a managing broker to be licensed by the Department. Specifies the requirements for an applicant to be licensed as (1) a salesperson, (2) a broker, and (3) a managing broker. Changes provisions concerning the examination of certain applicants. Adds provisions concerning the transition (1) from a salesperson to a broker license and (2) to a managing broker license. Changes provisions concerning continuing education requirements for specified licensees. Adds provisions concerning advertising by licensees. Adds provisions concerning the duties of licensees representing clients. Changes provisions concerning the disclosure of a licensee acting as an agent for a consumer. Amends the Regulatory Sunset Act to change the repeal date of the Act from January 1, 2010 to January 1, 2020. Makes other changes. Effective December 31, 2009.

LRB096 09531 ASK 19688 b

1 AN ACT concerning professional regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by changing  
5 Section 4.20 and by adding Section 4.30 as follows:

6 (5 ILCS 80/4.20)

7 Sec. 4.20. Acts repealed on January 1, 2010 and December  
8 31, 2010.

9 (a) The following Acts are repealed on January 1, 2010:

10 The Auction License Act.

11 The Illinois Architecture Practice Act of 1989.

12 The Illinois Landscape Architecture Act of 1989.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Land Sales Registration Act of 1999.

15 The Orthotics, Prosthetics, and Pedorthics Practice  
16 Act.

17 The Perfusionist Practice Act.

18 The Professional Engineering Practice Act of 1989.

19 ~~The Real Estate License Act of 2000.~~

20 The Structural Engineering Practice Act of 1989.

21 (b) The following Act is repealed on December 31, 2010:

22 The Medical Practice Act of 1987.

23 (Source: P.A. 95-1018, eff. 12-18-08.)

1 (5 ILCS 80/4.30 new)

2 Sec. 4.30. Act repealed on January 1, 2020. The following  
3 Act is repealed on January 1, 2020:

4 The Real Estate License Act of 2000.

5 Section 10. The Real Estate License Act of 2000 is amended  
6 by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20, 5-25, 5-35,  
7 5-40, 5-45, 5-50, 5-60, 5-65, 5-70, 5-80, 5-85, 10-15, 10-30,  
8 15-15, 15-35, 15-45, 15-65, 20-5, 20-10, 20-20, 20-25, 20-50,  
9 20-55, 20-60, 20-65, 20-75, 20-85, 20-90, 20-95, 20-100,  
10 20-110, 20-115, 25-5, 25-10, 25-13, 25-14, 25-15, 25-20, 25-25,  
11 25-30, 25-35, 25-37, 30-5, 30-10, 30-15, 30-20, and 30-25 and  
12 by adding Sections 5-6, 5-7, 5-26, 5-27, 5-28, 5-41, 5-46,  
13 5-47, 10-35, 10-40, 20-21, 20-22, 20-62, 20-63, 20-64, 20-66,  
14 20-67, 20-68, 20-69, 20-72, 20-73, 20-82, and 25-21 as follows:

15 (225 ILCS 454/1-10)

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

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

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

20 "Address of Record" means the designated address recorded  
21 by the Department in the applicant's or licensee's application  
22 file or license file as maintained by the Department's  
23 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 real estate broker  
7 or licensee, whether directly or through an affiliated  
8 licensee, represents a consumer by the consumer's consent,  
9 whether express or implied, in a real property transaction.

10 "Applicant" means any person, as defined in this Section,  
11 who applies to OBRE for a valid license as a real estate  
12 broker, real estate salesperson, 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 ~~OBRE~~.

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 real estate salesperson or  
3 leasing agent who, whether in person or through any media or  
4 technology, for another and for compensation, or with the  
5 intention or expectation of receiving compensation, either  
6 directly or indirectly:

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

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

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

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

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

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

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

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

26 (9) Assists or directs in the negotiation of any

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

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

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

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

15 "Client" means a person who is being represented by a  
16 licensee.

17 ~~"Commissioner" means the Commissioner of Banks and Real~~  
18 ~~Estate or a person authorized by the Commissioner, the Office~~  
19 ~~of Banks and Real Estate Act, or this Act to act in the~~  
20 ~~Commissioner's stead.~~

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

26 (1) commissions;

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

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

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

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

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

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

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

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

15 "Department" means the Department of Financial and  
16 Professional Regulation.

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

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

24 "Coordinator" ~~"Director"~~ means the Coordinator ~~Director~~ of  
25 ~~the~~ Real Estate, created by 25-15 of this Act ~~Division, OBRE~~.

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



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

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

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

25 "Exclusive brokerage agreement" means a written brokerage  
26 agreement that provides that the sponsoring broker has the sole

1 right, through one or more sponsored licensees, to act as the  
2 exclusive designated agent or representative of the client and  
3 that meets the requirements of Section 15-75 of this Act.

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

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

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

17 "License" means the document issued by the Department ~~OBRE~~  
18 certifying that the person named thereon has fulfilled all  
19 requirements prerequisite to licensure under this Act.

20 "Licensed activities" means those activities listed in the  
21 definition of "broker" under this Section.

22 "Licensee" means any person, as defined in this Section,  
23 who holds a valid unexpired license as a real estate broker,  
24 real estate salesperson, or leasing agent.

25 "Listing presentation" means a communication between a  
26 real estate broker or salesperson and a consumer in which the

1 licensee is attempting to secure a brokerage agreement with the  
2 consumer to market the consumer's real estate for sale or  
3 lease.

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

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

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

1 factual information for a consumer on an offer or contract to  
2 purchase on behalf of a client, (ix) showing a client through a  
3 property being sold by an owner on his or her own behalf, or  
4 (x) referral to another broker or service provider.

5 ~~"OBRE" means the Office of Banks and Real Estate.~~

6 "Office" means a real estate broker's place of business  
7 where the general public is invited to transact business and  
8 where records may be maintained and licenses displayed, whether  
9 or not it is the broker's principal place of business.

10 "Person" means and includes individuals, entities,  
11 corporations, limited liability companies, registered limited  
12 liability partnerships, and partnerships, foreign or domestic,  
13 except that when the context otherwise requires, the term may  
14 refer to a single individual or other described entity.

15 "Personal assistant" means a licensed or unlicensed person  
16 who has been hired for the purpose of aiding or assisting a  
17 sponsored licensee in the performance of the sponsored  
18 licensee's job.

19 "Pocket card" means the card issued by the Department ~~OBRE~~  
20 to signify that the person named on the card is currently  
21 licensed under this Act.

22 "Pre-license school" means a school licensed by the  
23 Department ~~OBRE~~ offering courses in subjects related to real  
24 estate transactions, including the subjects upon which an  
25 applicant is examined in determining fitness to receive a  
26 license.

1 "Pre-renewal period" means the period between the date of  
2 issue of a currently valid license and the license's expiration  
3 date.

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

8 "Real estate" means and includes leaseholds as well as any  
9 other interest or estate in land, whether corporeal,  
10 incorporeal, freehold, or non-freehold, including timeshare  
11 interests, and whether the real estate is situated in this  
12 State or elsewhere.

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

19 ~~"Real Estate Administration and Disciplinary Board" or~~  
20 ~~"Board" means the Real Estate Administration and Disciplinary~~  
21 ~~Board created by Section 25-10 of this Act.~~

22 "Salesperson" means any individual, other than a real  
23 estate broker or leasing agent, who is employed by a real  
24 estate broker or is associated by written agreement with a real  
25 estate broker as an independent contractor and participates in  
26 any activity described in the definition of "broker" under this

1 Section.

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

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

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

14 (Source: P.A. 92-217, eff. 8-2-01; 93-957, eff. 8-19-04.)

15 (225 ILCS 454/5-5)

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

17 Sec. 5-5. Leasing agent license.

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

24 (b) Notwithstanding the other provisions of this Act, there  
25 is hereby created a leasing agent license that shall enable the

1 licensee to engage only in residential leasing activities for  
2 which a license is required under this Act. Such activities  
3 include without limitation leasing or renting residential real  
4 property, or attempting, offering, or negotiating to lease or  
5 rent residential real property, or supervising the collection,  
6 offer, attempt, or agreement to collect rent for the use of  
7 residential real property. Nothing in this Section shall be  
8 construed to require a licensed real estate broker or  
9 salesperson to obtain a leasing agent license in order to  
10 perform leasing activities for which a license is required  
11 under this Act. Licensed leasing agents must be sponsored and  
12 employed by a sponsoring broker.

13 (c) The Department ~~OBRE~~, by rule, ~~with the advice of the~~  
14 ~~Board~~, shall provide for the licensing of leasing agents,  
15 including the issuance, renewal, and administration of  
16 licenses.

17 (d) Notwithstanding any other provisions of this Act to the  
18 contrary, a person may engage in residential leasing activities  
19 for which a license is required under this Act, for a period of  
20 120 consecutive days without being licensed, so long as the  
21 person is acting under the supervision of a licensed real  
22 estate broker and the broker has notified the Department ~~OBRE~~  
23 that the person is pursuing licensure under this Section.  
24 During the 120 day period all requirements of Sections 5-10 and  
25 5-65 of this Act with respect to education, successful  
26 completion of an examination, and the payment of all required

1 fees must be satisfied. The Department ~~OPRE~~ may adopt rules to  
2 ensure that the provisions of this subsection are not used in a  
3 manner that enables an unlicensed person to repeatedly or  
4 continually engage in activities for which a license is  
5 required under this Act.

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

7 (225 ILCS 454/5-6 new)

8 Sec. 5-6. Social Security Number or Tax Identification  
9 Number on license application. In addition to any other  
10 information required to be contained in the application, every  
11 application for an original or renewal license under this Act  
12 shall include the applicant's Social Security Number or Tax  
13 Identification Number.

14 (225 ILCS 454/5-7 new)

15 Sec. 5-7. Application for leasing agent license. Every  
16 person who desires to obtain a leasing agent license shall  
17 apply to the Department in writing on forms provided by the  
18 Department which application shall be accompanied by the  
19 required non-refundable fee. Any such application shall  
20 require such information as in the judgment of the Department  
21 will enable the Department to pass on the qualifications of the  
22 applicant for licensure.

23 (225 ILCS 454/5-10)



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

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

3 ~~Application for leasing agent license.~~

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

6 ~~(1) Every person who desires to obtain a leasing agent~~  
7 ~~license shall apply to OBRE in writing on forms provided by~~  
8 ~~OBRE. In addition to any other information required to be~~  
9 ~~contained in the application, every application for an~~  
10 ~~original or renewed leasing agent license shall include the~~  
11 ~~applicant's Social Security number. All application or~~  
12 ~~license fees must accompany the application. Each~~  
13 ~~applicant must~~ be at least 18 years of age;

14 ~~(2) must~~ be of good moral character; ~~shall have~~

15 ~~(3) successfully complete~~ completed a 4-year course of  
16 study in a high school or secondary school or an equivalent  
17 course of study approved by the Illinois State Board of  
18 Education; ~~and shall successfully complete~~

19 (4) personally take and pass a written examination  
20 authorized by the Department ~~OBRE~~ sufficient to  
21 demonstrate the applicant's knowledge of the provisions of  
22 this Act relating to leasing agents and the applicant's  
23 competence to engage in the activities of a licensed  
24 leasing agent; ~~Applicants must successfully complete~~

25 (5) provide satisfactory evidence of having completed  
26 15 hours of instruction in an approved course of study

1 relating to the leasing of residential real property. The  
2 course of study shall, among other topics, cover the  
3 provisions of this Act applicable to leasing agents; fair  
4 housing issues relating to residential leasing;  
5 advertising and marketing issues; leases, applications,  
6 and credit reports; owner-tenant relationships and  
7 owner-tenant laws; the handling of funds; and  
8 environmental issues relating to residential real  
9 property;~~;~~

10 (6) complete any other requirements as set forth by  
11 rule; and

12 (7) present a valid application for issuance of an  
13 initial license accompanied by a sponsor card and the fees  
14 specified by rule.

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

20 (c) Successfully completed course work, completed pursuant  
21 to the requirements of this Section, may be applied to the  
22 course work requirements to obtain a real estate broker's or  
23 salesperson's license as provided by rule. The Advisory Council  
24 may ~~shall~~ recommend through the Board to the Department ~~OBRE~~  
25 and the Department may ~~OBRE shall~~ adopt requirements for  
26 approved courses, course content, and the approval of courses,

1 instructors, and schools, as well as school and instructor  
2 fees. The Department ~~OBRE~~ may establish continuing education  
3 requirements for licensed leasing agents, by rule, with the  
4 advice of the Advisory Council and Board.

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

6 (225 ILCS 454/5-15)

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

8 Sec. 5-15. Necessity of managing broker, broker,  
9 salesperson, or leasing agent license or sponsor card;  
10 ownership restrictions.

11 (a) It is unlawful for any person, corporation, limited  
12 liability company, registered limited liability partnership,  
13 or partnership to act as a managing broker, real estate broker,  
14 real estate salesperson, or leasing agent or to advertise or  
15 assume to act as such broker, salesperson, or leasing agent  
16 without a properly issued sponsor card or a license issued  
17 under this Act by the Department ~~OBRE~~, either directly or  
18 through its authorized designee.

19 (b) No corporation shall be granted a license or engage in  
20 the business or capacity, either directly or indirectly, of a  
21 real estate broker, unless every officer of the corporation who  
22 actively participates in the real estate activities of the  
23 corporation holds a license as a managing broker or ~~real estate~~  
24 broker and unless every employee who acts as a salesperson, or  
25 leasing agent for the corporation holds a license as a ~~real~~

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

2 (c) No partnership shall be granted a license or engage in  
3 the business or serve in the capacity, either directly or  
4 indirectly, of a real estate broker, unless every general  
5 partner in the partnership holds a license as a managing broker  
6 or ~~real estate~~ broker and unless every employee who acts as a  
7 salesperson or leasing agent for the partnership holds a  
8 license as a real estate broker, salesperson, or leasing agent.  
9 In the case of a registered limited liability partnership  
10 (LLP), every partner in the LLP must hold a license as a  
11 managing broker or ~~real estate~~ broker and every employee who  
12 acts as a salesperson or leasing agent must hold a license as a  
13 real estate broker, salesperson, or leasing agent.

14 (d) No limited liability company shall be granted a license  
15 or engage in the business or serve in the capacity, either  
16 directly or indirectly, of a real estate broker unless every  
17 manager in the limited liability company or every member in a  
18 member managed limited liability company holds a license as a  
19 managing broker or ~~real estate~~ broker and unless every other  
20 member and employee who acts as a salesperson or leasing agent  
21 for the limited liability company holds a license as a ~~real~~  
22 ~~estate~~ broker, salesperson, or leasing agent.

23 (e) No partnership, limited liability company, or  
24 corporation shall be licensed to conduct a brokerage business  
25 where an individual salesperson or leasing agent, or group of  
26 salespersons or leasing agents, owns or directly or indirectly

1 controls more than 49% of the shares of stock or other  
2 ownership in the partnership, limited liability company, or  
3 corporation.

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

5 (225 ILCS 454/5-20)

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

7 Sec. 5-20. Exemptions from broker, salesperson, or leasing  
8 agent license requirement. The requirement for holding a  
9 license under this Article 5 shall not apply to:

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

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

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

5           (4) Any person acting as a resident manager for the owner  
6 or any employee acting as the resident manager for a broker  
7 managing an apartment building, duplex, or apartment complex,  
8 when the resident manager resides on the premises, the premises  
9 is his or her primary residence, and the resident manager is  
10 engaged in the leasing of the property of which he or she is  
11 the resident manager.

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

14           (6) Any officer or employee of the State government or any  
15 political subdivision thereof performing official duties.

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

24           (8) Railroads and other public utilities regulated by the  
25 State of Illinois, or the officers or full time employees  
26 thereof, unless the performance of any licensed activities is

1 in connection with the sale, purchase, lease, or other  
2 disposition of real estate or investment therein not needing  
3 the approval of the appropriate State regulatory authority.

4 (9) Any medium of advertising in the routine course of  
5 selling or publishing advertising along with which no other  
6 licensed activities, as defined in Section of this Act, are  
7 provided.

8 (10) Any resident lessee of a residential dwelling unit who  
9 refers for compensation to the owner of the dwelling unit, or  
10 to the owner's agent, prospective lessees of dwelling units in  
11 the same building or complex as the resident lessee's unit, but  
12 only if the resident lessee (i) refers no more than 3  
13 prospective lessees in any 12-month period, (ii) receives  
14 compensation of no more than \$1,000 or the equivalent of one  
15 month's rent, whichever is less, in any 12-month period, and  
16 (iii) limits his or her activities to referring prospective  
17 lessees to the owner, or the owner's agent, and does not show a  
18 residential dwelling unit to a prospective lessee, discuss  
19 terms or conditions of leasing a dwelling unit with a  
20 prospective lessee, or otherwise participate in the  
21 negotiation of the leasing of a dwelling unit.

22 (11) An exchange company registered under the Real Estate  
23 Timeshare Act of 1999 and the regular employees of that  
24 registered exchange company but only when conducting an  
25 exchange program as defined in that Act.

26 (12) An existing timeshare owner who, for compensation,

1 refers prospective purchasers, but only if the existing  
2 timeshare owner (i) refers no more than 20 prospective  
3 purchasers in any calendar year, (ii) receives no more than  
4 \$1,000, or its equivalent, for referrals in any calendar year  
5 and (iii) limits his or her activities to referring prospective  
6 purchasers of timeshare interests to the developer or the  
7 developer's employees or agents, and does not show, discuss  
8 terms or conditions of purchase or otherwise participate in  
9 negotiations with regard to timeshare interests.

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

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

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

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

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



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

7 (Source: P.A. 91-245, eff. 12-31-99; 91-585, eff. 1-1-00;  
8 91-603, eff. 1-1-00; 92-16, eff. 6-28-01; 92-217, eff. 8-2-01;  
9 revised 10-24-08.)

10 (225 ILCS 454/5-25)

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

12 Sec. 5-25. Good moral character. ~~Application for and~~  
13 ~~issuance of broker or salesperson license.~~

14 (a) (Blank). ~~Every person who desires to obtain a license~~  
15 ~~shall make application to OBRE in writing upon forms prepared~~  
16 ~~and furnished by OBRE. In addition to any other information~~  
17 ~~required to be contained in the application, every application~~  
18 ~~for an original or renewed license shall include the~~  
19 ~~applicant's Social Security number. Each applicant shall be at~~  
20 ~~least 21 years of age, be of good moral character, and have~~  
21 ~~successfully completed a 4 year course of study in a high~~  
22 ~~school or secondary school approved by the Illinois State Board~~  
23 ~~of Education or an equivalent course of study as determined by~~  
24 ~~an examination conducted by the Illinois State Board of~~  
25 ~~Education and shall be verified under oath by the applicant.~~

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

(b) When an applicant has had his or her license revoked on a prior occasion or when an applicant is found to have committed any of the practices enumerated in Section 20-20 of this Act or when an applicant has been convicted of or enters of a plea of guilty or nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony involving moral turpitude in any court of competent jurisdiction in this or any other state, district, or territory of the United States or of a foreign country, the Board may consider the prior revocation, conduct, or conviction in its determination of the applicant's moral character and whether to grant the applicant a license. In its consideration of the prior revocation, conduct, or conviction, the Board shall take into account the nature of the conduct, any aggravating or extenuating circumstances, the time elapsed since the revocation, conduct, or conviction, the rehabilitation or restitution performed by the applicant, and any other factors that the Board deems relevant. When an applicant has made a false statement of material fact on his or

1 her application, the false statement may in itself be  
2 sufficient grounds to revoke or refuse to issue a license.

3 (c) (Blank). ~~Every valid application for issuance of an~~  
4 ~~initial license shall be accompanied by a sponsor card and the~~  
5 ~~fees specified by rule.~~

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

11 (e) (Blank). ~~OBRE shall issue to each applicant entitled~~  
12 ~~thereto a license in such form and size as shall be prescribed~~  
13 ~~by OBRE. The procedure for terminating a license shall be~~  
14 ~~printed on the reverse side of the license. Each license shall~~  
15 ~~bear the name of the person so qualified, shall specify whether~~  
16 ~~the person is qualified to act in a broker or salesperson~~  
17 ~~capacity, and shall contain such other information as shall be~~  
18 ~~recommended by the Board and approved by OBRE. Each person~~  
19 ~~licensed under this Act shall display his or her license~~  
20 ~~conspicuously in his or her place of business.~~

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

22 (225 ILCS 454/5-26 new)

23 Sec. 5-26. Requirements for license as a salesperson.

24 (a) Every applicant for licensure as a salesperson must  
25 meet the following qualifications:

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

9           (2) Be of good moral character;

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

16           (4) Provide satisfactory evidence of having completed  
17           at least 45 hours of instruction in real estate courses  
18           approved by the Advisory Council, except applicants who are  
19           currently admitted to practice law by the Supreme Court of  
20           Illinois and are currently in active standing.

21           (5) Shall personally take and pass a written  
22           examination authorized by the Department.

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

26           (b) No applicant shall engage in any of the activities

1 covered by this Act until a valid sponsor card has been issued  
2 to the applicant. The sponsor card shall be valid for a maximum  
3 period of 45 days after the date of issuance unless extended  
4 for good cause as provided by rule.

5 (c) All licenses should be readily available to the public  
6 at their sponsoring place of business.

7 (d) No new salesperson licenses shall be issued after April  
8 30, 2011 and all existing salesperson licenses shall terminate  
9 on May 1, 2012.

10 (225 ILCS 454/5-27 new)

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

12 (a) Every applicant for licensure as a broker must meet the  
13 following qualifications:

14 (1) Be at least 21 years of age. After April 30, 2011,  
15 the minimum age of 21 years shall be waived for any person  
16 seeking a license as a broker who has attained the age of  
17 18 and can provide evidence of the successful completion of  
18 at least 4 semesters of post-secondary school study as a  
19 full-time student or the equivalent, with major emphasis on  
20 real estate courses, in a school approved by the  
21 Department.

22 (2) Be of good moral character.

23 (3) Successfully complete a 4 year course of study in a  
24 high school or secondary school approved by the Illinois  
25 State Board of Education or an equivalent course of study

1 as determined by an examination conducted by the Illinois  
2 State Board of Education which shall be verified under oath  
3 by the applicant.

4 (4) Prior to May 1, 2011, provide (i) satisfactory  
5 evidence of having completed at least 120 classroom hours,  
6 45 of which shall be those hours required to obtain a  
7 salesperson's license plus 15 hours in brokerage  
8 administration courses, in real estate courses approved by  
9 the Advisory Council or (ii) for applicants who currently  
10 hold a valid real estate salesperson's license, give  
11 satisfactory evidence of having completed at least 75 hours  
12 in real estate courses, not including the courses that are  
13 required to obtain a salesperson's license, approved by the  
14 Advisory Council.

15 (5) After April 30, 2011, provide satisfactory  
16 evidence of having completed 90 hours of instruction in  
17 real estate courses approved by the Advisory Council, 15  
18 hours of which must consist of situational and case studies  
19 presented in the classroom or by other interactive delivery  
20 method presenting instruction and real time discussion  
21 between the instructor and the students.

22 (6) Personally take and pass a written examination  
23 authorized by the Department.

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

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

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

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

12       (225 ILCS 454/5-28 new)

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

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

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

17               (2) be of good moral character;

18               (3) have been licensed at least 2 out of the preceding  
19       3 years as a real estate broker or salesperson;

20               (4) successfully complete a 4 year course of study in  
21       high school or secondary school approved by the Illinois  
22       State Board of Education or an equivalent course of study  
23       as determined by an examination conducted by the Illinois  
24       State Board of Education, which shall be verified under  
25       oath by the applicant;

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

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

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

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

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

24           (225 ILCS 454/5-35)

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



1           Sec. 5-35. Examination; managing broker, ~~or salesperson,~~  
2 or leasing agent.

3           (a) The Department shall authorize ~~Every person who makes~~  
4 ~~application for an original license as a broker or salesperson~~  
5 ~~shall personally take and pass a written examination authorized~~  
6 ~~by OBRE and answer any questions that may be required to~~  
7 ~~determine the good moral character of the applicant and the~~  
8 ~~applicant's competency to transact the business of broker or~~  
9 ~~salesperson, as the case may be, in such a manner as to~~  
10 ~~safeguard the interests of the public. In determining this~~  
11 ~~competency, OBRE shall require proof that the applicant has a~~  
12 ~~good understanding and the knowledge to conduct real estate~~  
13 ~~brokerage and of the provisions of this Act. The examination~~  
14 ~~shall be prepared by an independent testing service designated~~  
15 ~~by OBRE, subject to the approval of the examinations by the~~  
16 ~~Board. The designated independent testing service shall~~  
17 ~~conduct the examinations at such times and places as~~ it may  
18 designate. The examination shall be of a character to give a  
19 fair test of the qualifications of the applicant to practice as  
20 a managing broker, broker, salesperson, or leasing agent.  
21 Applicants for examination as a managing broker, broker,  
22 salesperson, or leasing agent shall be required to pay, either  
23 to the Department or the designated testing service, a fee  
24 covering the cost of providing the examination. Failure to  
25 appear for the examination on the scheduled date, at the time  
26 and place specified, after the applicant's application for

1 examination has been received and acknowledged by the  
2 Department or the designated testing service, shall result in  
3 the forfeiture of the examination fee. ~~OBRE shall approve. In~~  
4 ~~addition, every person who desires to take the written~~  
5 ~~examination shall make application to do so to OBRE or to the~~  
6 ~~designated independent testing service in writing upon forms~~  
7 ~~approved by OBRE.~~ An applicant shall be eligible to take the  
8 examination only after successfully completing the education  
9 requirements, ~~set forth in Section 5-30 of this Act,~~ and  
10 attaining the minimum age provided for ~~specified~~ in Article 5  
11 of this Act. Each applicant shall be required to establish  
12 compliance with the eligibility requirements in the manner  
13 provided by the rules promulgated for the administration of  
14 this Act.

15 (b) If a person who has received a passing score on the  
16 written examination described in this Section fails to file an  
17 application and meet all requirements for a license under this  
18 Act within one year after receiving a passing score on the  
19 examination, credit for the examination shall terminate. The  
20 person thereafter may make a new application for examination.

21 (c) If an applicant has failed an examination 4 ~~3~~ times,  
22 the applicant must repeat the pre-license education required to  
23 sit for the examination. For the purposes of this Section, the  
24 fifth ~~fourth~~ attempt shall be the same as the first. Approved  
25 education, as prescribed by this Act for licensure as a  
26 salesperson or broker, shall be valid for 4 ~~3~~ years after the

1 date of satisfactory completion of the education.

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

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

5 (225 ILCS 454/5-40)

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

7 Sec. 5-40. Sponsor card; termination indicated by license  
8 endorsement; association with new broker.

9 (a) The sponsoring broker shall prepare upon forms provided  
10 by the Department ~~OBRE~~ and deliver to each licensee employed by  
11 or associated with the sponsoring broker a sponsor card  
12 certifying that the person whose name appears thereon is in  
13 fact employed by or associated with the sponsoring broker. The  
14 sponsoring broker shall send, ~~by certified mail, return receipt~~  
15 ~~requested, or other delivery service requiring a signature upon~~  
16 ~~delivery,~~ a duplicate of each sponsor card, along with a valid  
17 license or other authorization as provided by rule and the  
18 appropriate fee, to the Department ~~OBRE~~ within 24 hours of  
19 issuance of the sponsor card. It is a violation of this Act for  
20 any broker to issue a sponsor card to any licensee or applicant  
21 unless the licensee or applicant presents in hand a valid  
22 license or other authorization as provided by rule.

23 (b) When a licensee terminates his or her employment or  
24 association with a sponsoring broker or the employment is  
25 terminated by the sponsoring broker, the licensee shall obtain

1 from the sponsoring broker his or her license endorsed by the  
2 sponsoring broker indicating the termination. The sponsoring  
3 broker shall surrender to the Department ~~OBRE~~ a copy of the  
4 license of the licensee within 2 days of the termination or  
5 shall notify the Department ~~OBRE~~ in writing of the termination  
6 and explain why a copy of the license is not surrendered.  
7 Failure of the sponsoring broker to surrender the license shall  
8 subject the sponsoring broker to discipline under Section 20-20  
9 of this Act. The license of any licensee whose association with  
10 a sponsoring broker is terminated shall automatically become  
11 inoperative immediately upon the termination unless the  
12 licensee accepts employment or becomes associated with a new  
13 sponsoring broker pursuant to subsection (c) of this Section.

14 (c) When a licensee accepts employment or association with  
15 a new sponsoring broker, the new sponsoring broker shall send  
16 ~~to the Department, by certified mail, return receipt requested,~~  
17 ~~or other delivery service requiring a signature upon delivery,~~  
18 ~~to OBRE~~ a duplicate sponsor card, along with the licensee's  
19 endorsed license or an affidavit of the licensee of why the  
20 endorsed license is not surrendered, and shall pay the  
21 appropriate fee prescribed by rule to cover administrative  
22 expenses attendant to the changes in the registration of the  
23 licensee.

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

1       Sec. 5-41. Change of address. A licensee shall notify the  
2       Department of the address or addresses, and of every change of  
3       address, where the licensee practices as a leasing agent,  
4       salesperson, broker or managing broker.

5           (225 ILCS 454/5-45)

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

7       Sec. 5-45. Offices.

8           (a) If a sponsoring broker maintains more than one office  
9       within the State, the sponsoring broker shall apply for a  
10      branch office license for each office other than the sponsoring  
11      broker's principal place of business. The branch office license  
12      shall be displayed conspicuously in each branch office. The  
13      name of each branch office shall be the same as that of the  
14      sponsoring broker's principal office or shall clearly  
15      delineate the branch office's relationship with the principal  
16      office.

17          (b) The sponsoring broker shall name a managing broker for  
18      each branch office and the sponsoring broker shall be  
19      responsible for supervising all managing brokers. The  
20      sponsoring broker shall notify the Department ~~OBRE~~ in writing  
21      of the name of all managing brokers of the sponsoring broker  
22      and the office or offices they manage. Any person initially  
23      named as a managing broker after April 30, 2011 must either (i)  
24      be licensed as a managing broker or (ii) meet all the  
25      requirements to be licensed as a managing broker except the

1 required education and examination and secure the managing  
2 broker license within 90 days of being named as a managing  
3 broker. Any changes in managing brokers shall be reported to  
4 OBRE in writing within 15 days of the change. Failure to do so  
5 shall subject the sponsoring broker to discipline under Section  
6 20-20 of this Act.

7 (c) The sponsoring broker shall immediately notify the  
8 Department ~~OBRE~~ in writing of any opening, closing, or change  
9 in location of any principal or branch office.

10 (d) Except as provided in this Section, each sponsoring  
11 broker shall maintain a definite office, or place of business  
12 within this State for the transaction of real estate business,  
13 shall conspicuously display an identification sign on the  
14 outside of his or her office of adequate size and visibility,  
15 ~~and shall conspicuously display his or her license in his or~~  
16 ~~her office or place of business and also the licenses of all~~  
17 ~~persons associated with or employed by the sponsoring broker~~  
18 ~~who primarily work at that location.~~ The office or place of  
19 business shall not be located in any retail or financial  
20 business establishment unless it is separated from the other  
21 business by a separate and distinct area within the  
22 establishment. A broker who is licensed in this State by  
23 examination or pursuant to the provisions of Section 5-60 of  
24 this Act shall not be required to maintain a definite office or  
25 place of business in this State provided all of the following  
26 conditions are met:

1 (1) the broker maintains an active broker's license in  
2 the broker's state of domicile;

3 (2) the broker maintains an office in the broker's  
4 state of domicile; and

5 (3) the broker has filed with the Department ~~OBRE~~  
6 written statements appointing the Commissioner to act as  
7 the broker's agent upon whom all judicial and other process  
8 or legal notices directed to the licensee may be served and  
9 agreeing to abide by all of the provisions of this Act with  
10 respect to his or her real estate activities within the  
11 State of Illinois and submitting to the jurisdiction of the  
12 Department ~~OBRE~~.

13 The statements under subdivision (3) of this Section shall  
14 be in form and substance the same as those statements required  
15 under Section 5-60 of this Act and shall operate to the same  
16 extent.

17 (e) Upon the loss of a managing broker who is not replaced  
18 by the sponsoring broker or in the event of the death or  
19 adjudicated disability of the sole proprietor of an office, a  
20 written request for authorization allowing the continued  
21 operation of the office may be submitted to the Department ~~OBRE~~  
22 within 15 days of the loss. The Department ~~OBRE~~ may issue a  
23 written authorization allowing the continued operation,  
24 provided that a licensed broker, or in the case of the death or  
25 adjudicated disability of a sole proprietor, the  
26 representative of the estate, assumes responsibility, in

1 writing, for the operation of the office and agrees to  
2 personally supervise the operation of the office. No such  
3 written authorization shall be valid for more than 60 days  
4 unless extended by the Department ~~OBRE~~ for good cause shown and  
5 upon written request by the broker or representative.

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

7 (225 ILCS 454/5-46 new)

8 Sec. 5-46. Transition from salesperson to broker license.

9 (a) No new salesperson licenses shall be issued by the  
10 Department after April 30, 2011 and existing salespersons  
11 licenses shall end as of 11:59 p.m. on April 30, 2012. The  
12 following transition rules shall apply to individuals holding a  
13 salesperson's license as of April 30, 2011 and seeking to  
14 obtain a broker's license:

15 (1) provide evidence of having completed 30 hours of  
16 post-license education in courses approved by the Advisory  
17 Council and having passed a written examination approved by  
18 the Department and administered by a licensed pre-license  
19 school; or

20 (2) provide evidence of passing a Department approved  
21 proficiency examination administered by a licensed  
22 pre-license school, which proficiency examination may only  
23 be taken one time by any one individual salesperson; and

24 (3) present a valid application for a broker's license  
25 no later than April 30, 2012 accompanied by a sponsor card



1 and the fees specified by rule.

2 (b) The education requirements specified in clause (1) of  
3 subsection (a) of this Section do not apply to applicants who  
4 are currently admitted to practice law by the Supreme Court of  
5 Illinois and are currently in active standing.

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

11 (225 ILCS 454/5-47 new)

12 Sec. 5-47. Transition to managing broker license.

13 (a) A new license for managing brokers is created effective  
14 May 1, 2011. The following transition rules shall apply for  
15 those brokers listed as managing brokers with the Department as  
16 of April 30, 2011. Those individuals licensed as brokers and  
17 listed as managing brokers with the Department as of April 30,  
18 2011 must meet the following qualifications to obtain a  
19 managing broker's license:

20 (1) provide evidence of having completed the 45 hours  
21 of broker management education approved by the Advisory  
22 Council and having passed a written examination approved by  
23 the Department and administered by a licensed pre-license  
24 school; or

25 (2) provide evidence of passing a Department approved

1 proficiency examination administered by a licensed  
2 pre-license school, which proficiency examination may only  
3 be taken one time by any one individual broker; and

4 (3) present a valid application for a managing broker's  
5 license no later than April 30, 2012 accompanied by a  
6 sponsor card and the fees specified by rule.

7 (b) The education requirements specified in item (1) of  
8 subsection (a) of this Section do not apply to applicants who  
9 are currently admitted to practice law by the Supreme Court of  
10 Illinois and are currently in active standing.

11 (225 ILCS 454/5-50)

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

13 Sec. 5-50. Expiration ~~date~~ and renewal ~~period~~ of managing  
14 broker, broker, salesperson, or leasing agent license;  
15 sponsoring broker; register 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 that the  
18 first renewal period ending after the effective date of this  
19 Act for those licensed as a salesperson shall be extended  
20 through April 30, 2012. Except as otherwise provided in this  
21 Section 5-55 of this Act, the holder of a license may renew the  
22 license within 90 days preceding the expiration date thereof by  
23 completing the continuing education required by this Act and  
24 paying the fees specified by rule. ~~Upon written request from~~  
25 ~~the sponsoring broker, OBRE shall prepare and mail to the~~

1 ~~sponsoring broker a listing of licensees under this Act who,~~  
2 ~~according to the records of OBRE, are sponsored by that broker.~~  
3 ~~Every licensee associated with or employed by a broker whose~~  
4 ~~license is revoked, suspended, terminated, or expired shall be~~  
5 ~~considered as inoperative until such time as the sponsoring~~  
6 ~~broker's license is reinstated or renewed, or the licensee~~  
7 ~~changes employment as set forth in subsection (c) of Section~~  
8 ~~5-40 of this Act.~~

9 (b) An individual whose first license is that of a broker  
10 received after April 30, 2011, must provide evidence of having  
11 completed 30 hours of post-license education in courses  
12 approved by the Advisory Council, 15 hours of which must  
13 consist of situational and case studies presented in the  
14 classroom or by other interactive delivery method presenting  
15 instruction and real time discussion between the instructor and  
16 the students, and personally take and pass an examination  
17 approved by the Department prior to the first renewal of their  
18 broker's license. The Department ~~OBRE~~ shall establish and  
19 maintain a register of all persons currently licensed by the  
20 State and shall issue and prescribe a form of pocket card. Upon  
21 payment by a licensee of the appropriate fee as prescribed by  
22 rule for engagement in the activity for which the licensee is  
23 qualified and holds a license for the current period, the  
24 Department ~~OBRE~~ shall issue a pocket card to the licensee. The  
25 pocket card shall be verification that the required fee for the  
26 current period has been paid and shall indicate that the person

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

11 (c) Any managing broker, broker, salesperson or leasing  
12 agent whose license under this Act has expired shall be  
13 eligible to renew the license during the 2 year period  
14 following the expiration date, provided the managing broker,  
15 broker, salesperson or leasing agent pays the fees as  
16 prescribed by rule and completes continuing education and other  
17 requirements provided for by the Act or by rule. A managing  
18 broker, broker, salesperson or leasing agent whose license has  
19 been expired for more than 2 years shall be required to meet  
20 the requirements for a new license. Any person licensed as a  
21 broker shall be entitled at any renewal date to change his or  
22 her license status from broker to salesperson.

23 (d) Notwithstanding any other provisions of this Act to the  
24 contrary, any managing broker, broker, salesperson or leasing  
25 agent whose license expired while he or she was (i) on active  
26 duty with the Armed Forces of the United States or called into

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

11 (e) The Department shall prepare and mail to the sponsoring  
12 broker at the sponsoring broker's address of record a notice of  
13 renewal for all sponsored licensees.

14 (f) Upon written request from the sponsoring broker the  
15 Department shall prepare and mail to the sponsoring broker a  
16 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. 93-957, eff. 8-19-04.)

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

2 Sec. 5-60. Managing broker ~~Broker~~ licensed in another  
3 state; broker licensed in another state; ~~nonresident~~  
4 salesperson licensed in another state; reciprocal agreements;  
5 agent for service of process.

6 (a) Effective May 1, 2011, a managing broker's license may  
7 be issued by the Department to a managing broker or its  
8 equivalent licensed under the laws of another state of the  
9 United States, under the following conditions:

10 (1) the managing broker holds a managing broker's  
11 license in a state that has entered into a reciprocal  
12 agreement with the Department;

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

16 (3) the managing broker has been actively practicing as  
17 a managing broker in the managing broker's state of  
18 licensure for a period of not less than 2 years,  
19 immediately prior to the date of application if the  
20 application is made prior to May 1, 2012;

21 (4) the managing broker furnishes the Department with a  
22 statement under seal of the proper licensing authority of  
23 the state in which the managing broker is licensed showing  
24 that the managing broker has an active managing broker's  
25 license, that the managing broker is in good standing, and  
26 that no complaints are pending against the managing broker

1 in that state;

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

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

7 (b) A broker's license may be issued by the Department ~~ORRE~~  
8 to a broker or its equivalent licensed under the laws of  
9 another state of the United States, under the following  
10 conditions:

11 (1) the broker holds a broker's license in a state that  
12 has entered into a reciprocal agreement with the Department  
13 ~~his or her state of domicile;~~

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

17 (3) if the application is made prior to May 1, 2012,  
18 then the broker has been actively practicing as a broker in  
19 the broker's state of licensure ~~domicile~~ for a period of  
20 not less than 2 years, immediately prior to the date of  
21 application;

22 (4) the broker furnishes the Department ~~ORRE~~ with a  
23 statement under seal of the proper licensing authority of  
24 the state in which the broker is licensed showing that the  
25 broker has an active broker's license, that the broker is  
26 in good standing, and that no complaints are pending

1 against the broker in that state;

2 (5) the broker ~~completes a course of education and~~  
3 passes a test on Illinois specific real estate brokerage  
4 laws; and

5 (6) ~~OBRE has~~ a reciprocal agreement with that state  
6 that includes the provisions of this Section.

7 (b) Prior to May 1, 2011, a salesperson ~~A nonresident~~  
8 ~~salesperson employed by or associated with a nonresident broker~~  
9 ~~holding a broker's license in this State pursuant to this~~  
10 ~~Section~~ may, in the discretion of the Department ~~OBRE~~, be  
11 issued a nonresident salesperson's license under the  
12 nonresident broker provided all of the following conditions are  
13 met:

14 (1) the salesperson maintains an active license in the  
15 state that has entered into a reciprocal agreement with the  
16 Department in which he or she is domiciled;

17 (2) the salesperson passes a test on Illinois specific  
18 real estate brokerage laws; and is domiciled in the same  
19 ~~state as the broker with whom he or she is associated;~~

20 (3) the salesperson was licensed by an examination in  
21 the state that has entered into a reciprocal agreement with  
22 the Department. ~~completes a course of education and passes~~  
23 ~~a test on Illinois specific real estate brokerage laws; and~~

24 (4) (Blank). ~~OBRE has a reciprocal agreement with that~~  
25 ~~state that includes the provisions of this Section.~~

26 The ~~nonresident~~ broker with whom the salesperson is



1 associated shall comply with the provisions of this Act and  
2 issue the salesperson a sponsor card upon the form provided by  
3 the Department ~~OBRE~~.

4 (d) ~~(e)~~ As a condition precedent to the issuance of a  
5 license to a managing broker, ~~nonresident~~ broker or salesperson  
6 pursuant to this Section, the managing broker or salesperson  
7 shall agree in writing to abide by all the provisions of this  
8 Act with respect to his or her real estate activities within  
9 the State of Illinois and submit to the jurisdiction of the  
10 Department ~~OBRE~~ as provided in this Act. The agreement shall be  
11 filed with the Department ~~OBRE~~ and shall remain in force for so  
12 long as the managing broker, ~~nonresident~~ broker or salesperson  
13 is licensed by this State and thereafter with respect to acts  
14 or omissions committed while licensed as a broker or  
15 salesperson in this State.

16 (e) ~~(d)~~ Prior to the issuance of any license to any  
17 managing broker, broker, or salesperson licensed pursuant to  
18 this Section ~~nonresident,~~ verification of active licensure  
19 issued for the conduct of such business in any other state must  
20 be filed with the Department ~~OBRE~~ by the managing broker,  
21 broker, or salesperson ~~nonresident,~~ and the same fees must be  
22 paid as provided in this Act for the obtaining of a managing  
23 broker's, broker's or salesperson's license in this State.

24 (f) ~~(e)~~ Licenses previously granted under reciprocal  
25 agreements with other states shall remain in force so long as  
26 the Department ~~OBRE~~ has a reciprocal agreement with the state

1 that includes the requirements of this Section, unless that  
2 license is suspended, revoked, or terminated by the Department  
3 ~~OBRE~~ for any reason provided for suspension, revocation, or  
4 termination of a resident licensee's license. Licenses granted  
5 under reciprocal agreements may be renewed in the same manner  
6 as a resident's license.

7 (g) ~~(f)~~ Prior to the issuance of a license to a nonresident  
8 managing broker, broker or salesperson, the managing broker,  
9 broker or salesperson shall file with the Department ~~OBRE~~ a  
10 designation in writing that appoints the Secretary  
11 ~~Commissioner~~ to act as his or her agent upon whom all judicial  
12 and other process or legal notices directed to the managing  
13 broker, broker or salesperson may be served. Service upon the  
14 agent so designated shall be equivalent to personal service  
15 upon the licensee. Copies of the appointment, certified by the  
16 Secretary ~~Commissioner~~, shall be deemed sufficient evidence  
17 thereof and shall be admitted in evidence with the same force  
18 and effect as the original thereof might be admitted. In the  
19 written designation, the managing broker, broker or  
20 salesperson shall agree that any lawful process against the  
21 licensee that is served upon the agent shall be of the same  
22 legal force and validity as if served upon the licensee and  
23 that the authority shall continue in force so long as any  
24 liability remains outstanding in this State. Upon the receipt  
25 of any process or notice, the Secretary ~~Commissioner~~ shall  
26 forthwith mail a copy of the same by certified mail to the last

1 known business address of the licensee.

2 (h) ~~(g)~~ Any person holding a valid license under this  
3 Section shall be eligible to obtain a resident managing broker,  
4 broker's or, prior to May 1, 2011, a salesperson's license  
5 without examination should that person change their state of  
6 domicile to Illinois and that person otherwise meets the  
7 qualifications or licensure under this Act.

8 (Source: P.A. 91-245, eff. 12-31-99; 91-702, eff. 5-12-00.)

9 (225 ILCS 454/5-65)

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

11 Sec. 5-65. Fees. The Department ~~OBRE~~ shall provide by rule  
12 for fees to be paid by applicants and licensees to cover the  
13 reasonable costs of the Department ~~OBRE~~ in administering and  
14 enforcing the provisions of this Act. The Department ~~OBRE~~ may  
15 also provide by rule for general fees to cover the reasonable  
16 expenses of carrying out other functions and responsibilities  
17 under this Act.

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

19 (225 ILCS 454/5-70)

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

21 Sec. 5-70. Continuing education requirement; managing  
22 broker, broker or salesperson.

23 (a) The requirements of this Section apply to all licensees  
24 managing brokers, brokers and salespersons ~~licensees~~.

1 (b) Except as otherwise provided in this Section, each  
2 person who applies for renewal of his or her license as a  
3 managing broker, real estate broker or real estate salesperson  
4 must successfully complete 6 hours of real estate continuing  
5 education courses approved by the Advisory Council for each  
6 year of the pre-renewal period. Broker licensees must  
7 successfully complete a 6-hour broker management continuing  
8 education course approved by the Department for the pre-renewal  
9 period ending April 30, 2010 at the rate of 6 hours per year or  
10 its equivalent. In addition, beginning with the pre-renewal  
11 period for managing broker licensees that begins after the  
12 effective date of this Act, those licensees renewing or  
13 obtaining a managing ~~amendatory Act of the 93rd General~~  
14 ~~Assembly, to renew a real estate broker's license,~~ the licensee  
15 must successfully complete a 6-hour broker management  
16 continuing education course approved by Department each  
17 pre-renewal period. The broker management continuing education  
18 course must be completed in the classroom or by other  
19 interactive delivery method presenting instruction and real  
20 time discussion between the instructor and the students ~~OBRE.~~  
21 Successful completion of the course shall include achieving a  
22 passing score as provided by rule on a test developed and  
23 administered in accordance with rules adopted by the Department  
24 ~~OBRE.~~ ~~Beginning on the first day of the pre-renewal period for~~  
25 ~~broker licensees that begins after the effective date of this~~  
26 ~~amendatory Act of the 93rd General Assembly, the 6 hour broker~~

1 ~~management continuing education course must be completed by all~~  
2 ~~persons receiving their initial broker's license within 180~~  
3 ~~days after the date of initial licensure as a broker. No~~  
4 license may be renewed except upon the successful completion of  
5 the required courses or their equivalent or upon a waiver of  
6 those requirements for good cause shown as determined by the  
7 Secretary ~~Commissioner~~ with the recommendation of the Advisory  
8 Council. The requirements of this Article are applicable to all  
9 managing brokers, brokers and salespersons except those  
10 brokers and salespersons who, during the pre-renewal period:

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

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

13 (3) serve as a full-time employee of the Department

14 ~~OBRE~~; or

15 (4) are admitted to practice law pursuant to Illinois  
16 Supreme Court rule.

17 (c) A person licensed as a salesperson as of April 30, 2011  
18 ~~who is issued an initial license as a real estate salesperson~~  
19 ~~less than one year prior to the expiration date of that license~~  
20 shall not be required to complete the 18 hours of continuing  
21 education for the pre-renewal period ending April 30, 2012 if  
22 that person takes the 30 hour post-licensing course to obtain a  
23 broker license. A person licensed as a broker as of April 30,  
24 2011 shall not be required to complete the 12 hours of broker  
25 management continuing education for the pre-renewal period  
26 ending April 30, 2012, unless that person passes the

1 proficiency exam provided for in Section 5-47 of this Act to  
2 qualify for a managing broker license ~~continuing education as a~~  
3 ~~condition of license renewal. A person who is issued an initial~~  
4 ~~license as a real estate broker less than one year prior to the~~  
5 ~~expiration date of that license and who has not been licensed~~  
6 ~~as a real estate salesperson during the pre renewal period~~  
7 ~~shall not be required to complete continuing education as a~~  
8 ~~condition of license renewal.~~ A person receiving an initial  
9 license ~~as a real estate broker~~ during the 90 days before the  
10 broker renewal date shall not be required to complete the  
11 ~~broker management~~ continuing education courses ~~course~~ provided  
12 for in subsection (b) of this Section as a condition of initial  
13 license renewal.

14 (d) The continuing education requirement for salespersons, ,  
15 brokers and managing brokers shall consist of a core curriculum  
16 and an elective curriculum, to be established by the Advisory  
17 Council. In meeting the continuing education requirements of  
18 this Act, at least 3 hours per year or their equivalent, 6  
19 hours for each two year pre-renewal period, shall be required  
20 to be completed in the core curriculum. In establishing the  
21 core curriculum, the Advisory Council shall consider subjects  
22 that will educate licensees on recent changes in applicable  
23 laws and new laws and refresh the licensee on areas of the  
24 license law and the Department ~~OBRE~~ policy that the Advisory  
25 Council deems appropriate, and any other areas that the  
26 Advisory Council deems timely and applicable in order to

1 prevent violations of this Act and to protect the public. In  
2 establishing the elective curriculum, the Advisory Council  
3 shall consider subjects that cover the various aspects of the  
4 practice of real estate that are covered under the scope of  
5 this Act. However, the elective curriculum shall not include  
6 any offerings referred to in Section 5-85 of this Act.

7 (e) The subject areas of continuing education courses  
8 approved by the Advisory Council may include without limitation  
9 the following:

- 10 (1) license law and escrow;
- 11 (2) antitrust;
- 12 (3) fair housing;
- 13 (4) agency;
- 14 (5) appraisal;
- 15 (6) property management;
- 16 (7) residential brokerage;
- 17 (8) farm property management;
- 18 (9) rights and duties of sellers, buyers, and brokers;
- 19 (10) commercial brokerage and leasing; and
- 20 (11) real estate financing.

21 (f) In lieu of credit for those courses listed in  
22 subsection (e) 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 (g) Credit hours may be earned for self-study programs  
2 approved by the Advisory Council.

3 (h) A broker or salesperson may earn credit for a specific  
4 continuing education course only once during the prerenewal  
5 period.

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

8 (j) To promote the offering of a uniform and consistent  
9 course content, the Department ~~OBRE~~ may provide for the  
10 development of a single broker management course to be offered  
11 by all continuing education providers who choose to offer the  
12 broker management continuing education course. The Department  
13 ~~OBRE~~ may contract for the development of the 6-hour broker  
14 management continuing education course with an outside vendor  
15 or consultant and, if the course is developed in this manner,  
16 the Department or the outside consultant ~~OBRE~~ shall license the  
17 use of that course to all approved continuing education  
18 providers who wish to provide the course.

19 (k) 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. 93-957, eff. 8-19-04.)

3 (225 ILCS 454/5-80)

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

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

7 (a) Each renewal applicant shall certify, on his or her  
8 renewal application, full compliance with continuing education  
9 requirements set forth in Section 5-70. The continuing  
10 education school shall retain and submit to the Department ~~OBRE~~  
11 after the completion of each course evidence of those  
12 successfully completing the course as provided by rule.

13 (b) The Department ~~OBRE~~ may require additional evidence  
14 demonstrating compliance with the continuing education  
15 requirements. The renewal applicant shall retain and produce  
16 the evidence of compliance upon request of the Department ~~OBRE~~.  
17 (Source: P.A. 91-245, eff. 12-31-99.)

18 (225 ILCS 454/5-85)

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

20 Sec. 5-85. Offerings not meeting continuing education  
21 requirements. The following offerings do not meet the  
22 continuing education requirements:

23 (1) Examination preparation offerings, except as  
24 provided in Section 5-70 of this Act.

1           (2) Offerings in mechanical office and business skills  
2           such as typing, speed reading, memory improvement,  
3           advertising, or psychology of sales.

4           (3) Sales promotion or other meetings held in  
5           conjunction with the general business of the attendee or  
6           his or her employer.

7           (4) Meetings that are a normal part of in-house staff  
8           or employee training.

9           The offerings listed in this Section do not limit the  
10          Advisory Council's authority to disapprove any course that  
11          fails to meet the standards of this Article 5 or rules adopted  
12          by the Department ~~OBRE~~.

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

14           (225 ILCS 454/10-15)

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

16           Sec. 10-15. No compensation to persons in violation of Act;  
17          compensation to unlicensed persons; consumer.

18           (a) No compensation may be paid to any unlicensed person in  
19          exchange for the person performing licensed activities in  
20          violation of this Act.

21           (b) No action or suit shall be instituted, nor recovery  
22          therein be had, in any court of this State by any person,  
23          partnership, registered limited liability partnership, limited  
24          liability company, or corporation for compensation for any act  
25          done or service performed, the doing or performing of which is

1 prohibited by this Act to other than licensed managing brokers,  
2 brokers, salespersons, or leasing agents unless the person,  
3 partnership, registered limited liability partnership, limited  
4 liability company, or corporation was duly licensed hereunder  
5 as a managing brokers, broker, salesperson, or leasing agent  
6 under this Act at the time that any such act was done or  
7 service performed that would give rise to a cause of action for  
8 compensation.

9 (c) A licensee may offer compensation, including prizes,  
10 merchandise, services, rebates, discounts, or other  
11 consideration to an unlicensed person who is a party to a  
12 contract to buy or sell real estate or is a party to a contract  
13 for the lease of real estate, so long as the offer complies  
14 with the provisions of subdivision (26) of subsection (h) of  
15 Section 20-20 of this Act.

16 (d) A licensee may offer cash, gifts, prizes, awards,  
17 coupons, merchandise, rebates or chances to win a game of  
18 chance, if not prohibited by any other law or statute, to a  
19 consumer as an inducement to that consumer to use the services  
20 of the licensee even if the licensee and consumer do not  
21 ultimately enter into a broker-client relationship so long as  
22 the offer complies with the provisions of subdivision (26) of  
23 ~~subsection (h) of~~ Section 20-20 of this Act.

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

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

2 Sec. 10-30. Advertising.

3 (a) No advertising, whether in print, Internet, or through  
4 any other media, shall be fraudulent, deceptive, inherently  
5 misleading, or proven to be misleading in practice. Advertising  
6 ~~It~~ shall be considered misleading or untruthful if, when taken  
7 as a whole, there is a distinct and reasonable possibility that  
8 it will be misunderstood or will deceive the ordinary  
9 purchaser, seller, lessee, lessor, or owner. Advertising shall  
10 contain all information necessary to communicate the  
11 information contained therein to the public in an accurate a  
12 direct and readily comprehensible manner.

13 (b) No blind advertisements may be used by any licensee, in  
14 any media, except as provided for in this Section.

15 (c) A licensee shall disclose, in writing, to all parties  
16 in a transaction his or her status as a licensee and any and  
17 all interest the licensee has or may have in the real estate  
18 constituting the subject matter thereof, directly or  
19 indirectly, according to the following guidelines:

20 (1) On broker yard signs or in broker advertisements,  
21 no disclosure of ownership is necessary. However, the  
22 ownership shall be indicated on any property data form and  
23 disclosed to persons responding to any advertisement or any  
24 sign. The term "broker owned" or "agent owned" is  
25 sufficient disclosure.

26 (2) A sponsored or inoperative licensee selling or

1 leasing property, owned solely by the sponsored or  
2 inoperative licensee, without utilizing brokerage services  
3 of their sponsoring broker or any other licensee, may  
4 advertise "By Owner". For purposes of this Section,  
5 property is "solely owned" by a sponsored or inoperative  
6 licensee if he or she (i) has a 100% ownership interest  
7 alone, (ii) has ownership as a joint tenant or tenant by  
8 the entirety, or (iii) holds a 100% beneficial interest in  
9 a land trust. Sponsored or inoperative licensees selling or  
10 leasing "By Owner" shall comply with the following if  
11 advertising by owner:

12 (A) On "By Owner" yard signs, the sponsored or  
13 inoperative licensee shall indicate "broker owned" or  
14 "agent owned." "By Owner" advertisements used in any  
15 medium of advertising shall include the term "broker  
16 owned" or "agent owned."

17 (B) If a sponsored or inoperative licensee runs  
18 advertisements, for the purpose of purchasing or  
19 leasing real estate, he or she shall disclose in the  
20 advertisements his or her status as a licensee.

21 (C) A sponsored or inoperative licensee shall not  
22 use the sponsoring broker's name or the sponsoring  
23 broker's company name in connection with the sale,  
24 lease, or advertisement of the property nor utilize the  
25 sponsoring broker's or company's name in connection  
26 with the sale, lease, or advertising of the property in

1 a manner likely to create confusion among the public as  
2 to whether or not the services of a real estate company  
3 are being utilized or whether or not a real estate  
4 company has an ownership interest in the property.

5 (d) A sponsored licensee may not advertise under his or her  
6 own name. Advertising in any media shall be under the direct  
7 supervision of the sponsoring or managing broker and in the  
8 sponsoring broker's business name, which in the case of a  
9 franchise shall include the franchise affiliation as well as  
10 the name of the individual firm. This provision does not apply  
11 under the following circumstances:

12 (1) When a licensee enters into a brokerage agreement  
13 relating to his or her own real estate, or real estate in  
14 which he or she has an ownership interest, with another  
15 licensed broker; or

16 (2) When a licensee is selling or leasing his or her  
17 own real estate or buying or leasing real estate for  
18 himself or herself, after providing the appropriate  
19 written disclosure of his or her ownership interest as  
20 required in paragraph (2) of subsection (c) of this  
21 Section.

22 (e) No licensee shall list his or her name under the  
23 heading or title "Real Estate" in the telephone directory or  
24 otherwise advertise in his or her own name to the general  
25 public through any medium of advertising as being in the real  
26 estate business without listing his or her sponsoring broker's

1 business name.

2 (f) The sponsoring broker's business name and the name of  
3 the licensee must appear in all advertisements, including  
4 business cards. Nothing in this Act shall be construed to  
5 require specific print size as between the broker's business  
6 name and the name of the licensee.

7 (g) Those individuals licensed as a managing broker and  
8 designated with the Department as a managing broker by their  
9 sponsoring broker shall identify themselves to the public in  
10 advertising as a managing broker. No other individuals holding  
11 a managing broker's license may hold themselves out to the  
12 public or other licensees as a managing broker.

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

14 (225 ILCS 454/10-35 new)

15 Sec. 10-35. Internet and related advertising.

16 (a) Licensees intending to sell or share consumer  
17 information gathered from or through the Internet or other  
18 electronic communication media shall disclose that intention  
19 to consumers in a timely and readily apparent manner.

20 (b) A licensee using Internet or other similar electronic  
21 advertising media must not:

22 (1) use a URL or domain name that is deceptive or  
23 misleading;

24 (2) deceptively or without authorization frame another  
25 real estate brokerage or multiple listing service website;

1 or

2 (3) engage in the deceptive use of metatags, keywords  
3 or other devices and methods to direct, drive or divert  
4 Internet traffic or otherwise mislead consumers.

5 (225 ILCS 454/10-40 new)

6 Sec. 10-40. Company policy. Every brokerage company or  
7 entity, other than a sole proprietorship with no other  
8 sponsored licensees, shall adopt a company or office policy  
9 dealing with topics such as:

- 10 (1) the agency policy of the entity;  
11 (2) fair housing, nondiscrimination and harassment;  
12 (3) confidentiality of client information;  
13 (4) advertising;  
14 (5) training and supervision of sponsored licensees;  
15 (6) required disclosures and use of forms;  
16 (7) handling of risk management matters; and  
17 (8) handling of earnest money and escrows.

18 These topics are provided as an example and are not  
19 intended to be inclusive or exclusive of other topics.

20 (225 ILCS 454/15-15)

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

22 Sec. 15-15. Duties of licensees representing clients.

23 (a) A licensee representing a client shall:

24 (1) Perform the terms of the brokerage agreement



1 between a broker and the client.

2 (2) Promote the best interest of the client by:

3 (A) Seeking a transaction at the price and terms  
4 stated in the brokerage agreement or at a price and  
5 terms otherwise acceptable to the client.

6 (B) Timely presenting all offers to and from the  
7 client, unless the client has waived this duty.

8 (C) Disclosing to the client material facts  
9 concerning the transaction of which the licensee has  
10 actual knowledge, unless that information is  
11 confidential information. Material facts do not  
12 include the following when located on or related to  
13 real estate that is not the subject of the transaction:  
14 (i) physical conditions that do not have a substantial  
15 adverse effect on the value of the real estate, (ii)  
16 fact situations, or (iii) occurrences.

17 (D) Timely accounting for all money and property  
18 received in which the client has, may have, or should  
19 have had an interest.

20 (E) Obeying specific directions of the client that  
21 are not otherwise contrary to applicable statutes,  
22 ordinances, or rules.

23 (F) Acting in a manner consistent with promoting  
24 the client's best interests as opposed to a licensee's  
25 or any other person's self-interest.

26 (3) Exercise reasonable skill and care in the

1 performance of brokerage services.

2 (4) Keep confidential all confidential information  
3 received from the client.

4 (5) Comply with all requirements of this Act and all  
5 applicable statutes and regulations, including without  
6 limitation fair housing and civil rights statutes.

7 (b) A licensee representing a client does not breach a duty  
8 or obligation to the client by showing alternative properties  
9 to prospective buyers or tenants, ~~or~~ by showing properties in  
10 which the client is interested to other prospective buyers or  
11 tenants, or by making or preparing contemporaneous offers or  
12 contracts to purchase or lease the same property. However, a  
13 licensee shall provide written disclosure to all clients for  
14 whom the licensee is preparing or making contemporaneous offers  
15 or contracts to purchase or lease the same property and shall  
16 refer to another designated agent any client that requests such  
17 referral.

18 (c) A licensee representing a buyer or tenant client will  
19 not be presumed to have breached a duty or obligation to that  
20 client by working on the basis that the licensee will receive a  
21 higher fee or compensation based on higher selling price or  
22 lease cost.

23 (d) A licensee shall not be liable to a client for  
24 providing false information to the client if the false  
25 information was provided to the licensee by a customer unless  
26 the licensee knew or should have known the information was

1 false.

2 (e) Nothing in the Section shall be construed as changing a  
3 licensee's duty under common law as to negligent or fraudulent  
4 misrepresentation of material information.

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

6 (225 ILCS 454/15-35)

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

8 Sec. 15-35. Agency relationship disclosure.

9 (a) A licensee shall advise a consumer in writing ~~shall be~~  
10 ~~advised~~ of the following no later than beginning to work as a  
11 designated agent on behalf of the consumer entering into a  
12 brokerage agreement with the sponsoring broker:

13 (1) That a designated agency relationship exists,  
14 unless there is written agreement between the sponsoring  
15 broker and the consumer providing for a different brokerage  
16 relationship.

17 (2) The name or names of his or her designated agent or  
18 agents. The written disclosure can be included in a  
19 brokerage agreement or be a separate document, a copy of  
20 which is retained by the sponsoring broker for the licensee  
21 in writing.

22 (3) The licensee representing the consumer shall  
23 discuss with the consumer the sponsoring broker's  
24 compensation and policy with regard to cooperating with  
25 brokers who represent other parties in a transaction.

1 (b) A licensee shall disclose in writing to a customer that  
2 the licensee is not acting as the agent of the customer at a  
3 time intended to prevent disclosure of confidential  
4 information from a customer to a licensee, but in no event  
5 later than the preparation of an offer to purchase or lease  
6 real property. ~~This subsection (b) does not apply to  
7 residential lease or rental transactions unless the lease or  
8 rental agreement includes an option to purchase real estate.~~

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

10 (225 ILCS 454/15-45)

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

12 Sec. 15-45. Dual agency.

13 (a) A licensee may act as a dual agent only with the  
14 informed written consent of all clients. Informed written  
15 consent shall be presumed to have been given by any client who  
16 signs a document that includes the following:

17 "The undersigned (insert name(s)), ("Licensee"), may  
18 undertake a dual representation (represent both the seller  
19 or landlord and the buyer or tenant) for the sale or lease  
20 of property. The undersigned acknowledge they were  
21 informed of the possibility of this type of representation.  
22 Before signing this document please read the following:  
23 Representing more than one party to a transaction presents  
24 a conflict of interest since both clients may rely upon  
25 Licensee's advice and the client's respective interests

1           may be adverse to each other. Licensee will undertake this  
2           representation only with the written consent of ALL clients  
3           in the transaction. Any agreement between the clients as to  
4           a final contract price and other terms is a result of  
5           negotiations between the clients acting in their own best  
6           interests and on their own behalf. You acknowledge that  
7           Licensee has explained the implications of dual  
8           representation, including the risks involved, and  
9           understand that you have been advised to seek independent  
10          advice from your advisors or attorneys before signing any  
11          documents in this transaction.

12                           WHAT A LICENSEE CAN DO FOR CLIENTS

13                                   WHEN ACTING AS A DUAL AGENT

- 14          1. Treat all clients honestly.
- 15          2. Provide information about the property to the buyer or  
16          tenant.
- 17          3. Disclose all latent material defects in the property  
18          that are known to the Licensee.
- 19          4. Disclose financial qualification of the buyer or tenant  
20          to the seller or landlord.
- 21          5. Explain real estate terms.
- 22          6. Help the buyer or tenant to arrange for property  
23          inspections.
- 24          7. Explain closing costs and procedures.
- 25          8. Help the buyer compare financing alternatives.
- 26          9. Provide information about comparable properties that

1 have sold so both clients may make educated decisions on  
2 what price to accept or offer.

3 WHAT LICENSEE CANNOT DISCLOSE TO CLIENTS WHEN  
4 ACTING AS A DUAL AGENT

5 1. Confidential information that Licensee may know about a  
6 client, without that client's permission.

7 2. The price or terms the seller or landlord will take  
8 other than the listing price without permission of the  
9 seller or landlord.

10 3. The price or terms the buyer or tenant is willing to pay  
11 without permission of the buyer or tenant.

12 4. A recommended or suggested price or terms the buyer or  
13 tenant should offer.

14 5. A recommended or suggested price or terms the seller or  
15 landlord should counter with or accept.

16 If either client is uncomfortable with this disclosure  
17 and dual representation, please let Licensee know. You are  
18 not required to sign this document unless you want to allow  
19 Licensee to proceed as a Dual Agent in this transaction. By  
20 signing below, you acknowledge that you have read and  
21 understand this form and voluntarily consent to Licensee  
22 acting as a Dual Agent (that is, to represent BOTH the  
23 seller or landlord and the buyer or tenant) should that  
24 become necessary."

25 (b) The dual agency disclosure form provided for in  
26 subsection (a) of this Section must be presented by a licensee,

1 who offers dual representation, to the client at the time the  
2 brokerage agreement is entered into and may be signed by the  
3 client at that time or at any time before the licensee acts as  
4 a dual agent as to the client.

5 (c) A licensee acting in a dual agency capacity in a  
6 transaction must obtain a written confirmation from the  
7 licensee's clients of their prior consent for the licensee to  
8 act as a dual agent in the transaction. This confirmation  
9 should be obtained at the time the clients are executing any  
10 offer or contract to purchase or lease in a transaction in  
11 which the licensee is acting as a dual agent. This confirmation  
12 may be included in another document, such as a contract to  
13 purchase, in which case the client must not only sign the  
14 document but also initial the confirmation of dual agency  
15 provision. That confirmation must state, at a minimum, the  
16 following:

17 "The undersigned confirm that they have previously  
18 consented to (insert name(s)), ("Licensee"), acting as a  
19 Dual Agent in providing brokerage services on their behalf  
20 and specifically consent to Licensee acting as a Dual Agent  
21 in regard to the transaction referred to in this document."

22 (d) No cause of action shall arise on behalf of any person  
23 against a dual agent for making disclosures allowed or required  
24 by this Article, and the dual agent does not terminate any  
25 agency relationship by making the allowed or required  
26 disclosures.

1 (e) In the case of dual agency, each client and the  
2 licensee possess only actual knowledge and information. There  
3 shall be no imputation of knowledge or information among or  
4 between clients, brokers, or their affiliated licensees.

5 (f) In any transaction, a licensee may without liability  
6 withdraw from representing a client who has not consented to a  
7 disclosed dual agency. The withdrawal shall not prejudice the  
8 ability of the licensee to continue to represent the other  
9 client in the transaction or limit the licensee from  
10 representing the client in other transactions. When a  
11 withdrawal as contemplated in this subsection (f) occurs, the  
12 licensee shall not receive a referral fee for referring a  
13 client to another licensee unless written disclosure is made to  
14 both the withdrawing client and the client that continues to be  
15 represented by the licensee.

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

17 (225 ILCS 454/15-65)

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

19 Sec. 15-65. Regulatory enforcement. Nothing contained in  
20 this Article limits the Department ~~OBRE~~ in its regulation of  
21 licensees under other Articles of this Act and the substantive  
22 rules adopted by the Department ~~OBRE~~. The Department ~~OBRE~~, with  
23 the advice of the Board, is authorized to promulgate any rules  
24 that may be necessary for the implementation and enforcement of  
25 this Article 15.



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

2 (225 ILCS 454/20-5)

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

4 Sec. 20-5. Index of decisions. The Department ~~OBRE~~ shall  
5 maintain an index of formal decisions regarding the issuance,  
6 refusal to issue, renewal, refusal to renew, revocation, and  
7 suspension of licenses and probationary or other disciplinary  
8 action taken under this Act on or after December 31, 1999. ~~The~~  
9 ~~decisions shall be indexed according to the Sections of~~  
10 ~~statutes and the administrative rules, if any, that are the~~  
11 ~~basis for the decision.~~ The index shall be available to the  
12 public during regular business hours.

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

14 (225 ILCS 454/20-10)

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

16 Sec. 20-10. Unlicensed practice; civil penalty.

17 (a) Any person who practices, offers to practice, attempts  
18 to practice, or holds oneself out to practice as a real estate  
19 broker, real estate salesperson, or leasing agent without being  
20 licensed under this Act shall, in addition to any other penalty  
21 provided by law, pay a civil penalty ~~fine~~ to the Department  
22 ~~OBRE~~ in an amount not to exceed \$25,000 for each offense as  
23 determined by the Department ~~OBRE~~. The civil penalty ~~fine~~ shall  
24 be assessed by the Department ~~OBRE~~ after a hearing is held in

1 accordance with the provisions set forth in this Act regarding  
2 the provision of a hearing for the discipline of a license.

3 (b) The Department ~~OBRE~~ has the authority and power to  
4 investigate any and all unlicensed activity.

5 (c) The civil fine shall be paid within 60 days after the  
6 effective date of the order imposing the civil fine. The order  
7 shall constitute a judgement and may be filed and execution had  
8 thereon in the same manner from any court of record.

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

10 (225 ILCS 454/20-20)

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

12 Sec. 20-20. Grounds for discipline ~~Disciplinary actions,~~  
13 ~~causes.~~

14 (a) The Department ~~OBRE~~ may refuse to issue or renew a  
15 license, may place on probation, suspend, or revoke any  
16 license, ~~or may censure,~~ reprimand, or take any other  
17 disciplinary or non-disciplinary action as the Department may  
18 deem proper ~~otherwise discipline~~ or impose a ~~civil~~ fine not to  
19 exceed \$25,000 upon any licensee issued under this Act or  
20 against a licensee in handling his or her own property, whether  
21 held by deed, option, or otherwise, ~~hereunder~~ for any one or  
22 any combination of the following causes:

23 (1) Fraud or misrepresentation in applying for, or  
24 procuring, a license under this Act or in connection with  
25 applying for renewal of a license under this Act. ~~(a) When~~

1 ~~the applicant or licensee has, by false or fraudulent~~  
2 ~~representation, obtained or sought to obtain a license.~~

3 (2) The conviction of, plea of guilty or plea of nolo  
4 contendere to a felony or misdemeanor ~~(b) When the~~  
5 ~~applicant or licensee has been convicted of any crime, an~~  
6 essential element of which is dishonesty or fraud or  
7 larceny, embezzlement, or obtaining money, property, or  
8 credit by false pretenses or by means of a confidence game,  
9 in ~~has been convicted in this or another state of a crime~~  
10 ~~that is a felony under the laws of this State, or any other~~  
11 jurisdiction ~~has been convicted of a felony in a federal~~  
12 ~~court.~~

13 (3) Inability to practice the profession with  
14 reasonable judgment, skill, or safety as a result of a  
15 physical illness, including, but not limited to,  
16 deterioration through the aging process or loss of motor  
17 skill, or a mental illness or disability ~~(c) When the~~  
18 ~~applicant or licensee has been adjudged to be a person~~  
19 ~~under legal disability or subject to involuntary admission~~  
20 ~~or to meet the standard for judicial admission as provided~~  
21 ~~in the Mental Health and Developmental Disabilities Code.~~

22 (4) Practice under this Act as a ~~(d) When the licensee~~  
23 ~~performs or attempts to perform any act as a broker or~~  
24 ~~salesperson~~ in a retail sales establishment from an office,  
25 desk, or space that is not separated from the main retail  
26 business by a separate and distinct area within the

1 establishment.

2 (5) Disciplinary action of another state or  
3 jurisdiction against the license or other authorization to  
4 practice as a managing broker, broker, salesperson, or  
5 leasing agent ~~(e) Discipline of a licensee by another~~  
6 ~~state, the District of Columbia, a territory, a foreign~~  
7 ~~nation, a governmental agency, or any other entity~~  
8 ~~authorized to impose discipline~~ if at least one of the  
9 grounds for that discipline is the same as or the  
10 equivalent of one of the grounds for discipline set forth  
11 in this Act. A certified copy of the record of the action  
12 by the other state or jurisdiction shall be prima facie  
13 evidence thereof, ~~in which case the only issue will be~~  
14 ~~whether one of the grounds for that discipline is the same~~  
15 ~~or equivalent to one of the grounds for discipline under~~  
16 ~~this Act.~~

17 (6) Engaging in the practice of ~~(f) When the applicant~~  
18 ~~or licensee has engaged in real estate~~ brokerage activity  
19 without a license or after the licensee's license was  
20 expired or while the license was inoperative.

21 (7) Cheating on or attempting ~~(g) When the applicant or~~  
22 ~~licensee attempts~~ to subvert ~~or cheat on~~ the Real Estate  
23 License Exam or continuing education exam.

24 (8) Aiding or abetting ~~aids and abets~~ an applicant to  
25 subvert or cheat on the Real Estate License Exam or  
26 continuing education exam administered pursuant to this

1 Act.

2 (9) Advertising that is inaccurate, misleading, or  
3 contrary to the provisions of the Act. ~~(h) When the~~  
4 ~~licensee in performing, attempting to perform, or~~  
5 ~~pretending to perform any act as a broker, salesperson, or~~  
6 ~~leasing agent or when the licensee in handling his or her~~  
7 ~~own property, whether held by deed, option, or otherwise,~~  
8 ~~is found guilty of:~~

9 (10) ~~(1)~~ Making any substantial misrepresentation or  
10 untruthful advertising.

11 (11) ~~(2)~~ Making any false promises of a character  
12 likely to influence, persuade, or induce.

13 (12) ~~(3)~~ Pursuing a continued and flagrant course of  
14 misrepresentation or the making of false promises through  
15 licensees, employees, agents, advertising, or otherwise.

16 (13) ~~(4)~~ Any misleading or untruthful advertising, or  
17 using any trade name or insignia of membership in any real  
18 estate organization of which the licensee is not a member.

19 (14) ~~(5)~~ Acting for more than one party in a  
20 transaction without providing written notice to all  
21 parties for whom the licensee acts.

22 (15) ~~(6)~~ Representing or attempting to represent a  
23 broker other than the sponsoring broker.

24 (16) ~~(7)~~ Failure to account for or to remit any moneys  
25 or documents coming into his or her possession that belong  
26 to others.

1           (17) ~~(8)~~ Failure to maintain and deposit in a special  
2           account, separate and apart from personal and other  
3           business accounts, all escrow moneys belonging to others  
4           entrusted to a licensee while acting as a real estate  
5           broker, escrow agent, or temporary custodian of the funds  
6           of others or failure to maintain all escrow moneys on  
7           deposit in the account until the transactions are  
8           consummated or terminated, except to the extent that the  
9           moneys, or any part thereof, shall be:

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

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

1 months have elapsed after the receipt of a written  
2 demand for the escrow moneys from one of the principals  
3 to the transaction or the principal's duly authorized  
4 agent.

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

11 (18) ~~(9)~~ Failure to make available to the Department  
12 ~~real estate enforcement personnel of OBRE during normal~~  
13 ~~business hours~~ all escrow records and related documents  
14 maintained in connection with the practice of real estate  
15 within 24 hours of a request for those documents by OBRE  
16 personnel.

17 (19) ~~(10)~~ Failing to furnish copies upon request of ~~all~~  
18 documents relating to a real estate transaction to a party  
19 who has executed that document ~~all parties executing them.~~

20 (20) ~~(11)~~ Failure of a sponsoring broker to timely  
21 provide information, sponsor cards, or termination of  
22 licenses to the Department ~~OBRE~~.

23 (21) ~~(12)~~ Engaging in dishonorable, unethical, or  
24 unprofessional conduct of a character likely to deceive,  
25 defraud, or harm the public.

26 (22) ~~(13)~~ Commingling the money or property of others

1 with his or her own money or property.

2 (23) ~~(14)~~ Employing any person on a purely temporary or  
3 single deal basis as a means of evading the law regarding  
4 payment of commission to nonlicensees on some contemplated  
5 transactions.

6 (24) ~~(15)~~ Permitting the use of his or her license as a  
7 broker to enable a salesperson or unlicensed person to  
8 operate a real estate business without actual  
9 participation therein and control thereof by the broker.

10 (25) ~~(16)~~ Any other conduct, whether of the same or a  
11 different character from that specified in this Section,  
12 that constitutes dishonest dealing.

13 (26) ~~(17)~~ Displaying a "for rent" or "for sale" sign on  
14 any property without the written consent of an owner or his  
15 or her duly authorized agent or advertising by any means  
16 that any property is for sale or for rent without the  
17 written consent of the owner or his or her authorized  
18 agent.

19 (27) ~~(18)~~ Failing to provide information requested by  
20 the Department, or otherwise respond to that request ~~OBRE,~~  
21 ~~within 30 days of the request, either as the result of a~~  
22 ~~formal or informal complaint to OBRE or as a result of a~~  
23 ~~random audit conducted by OBRE, which would indicate a~~  
24 ~~violation of this Act.~~

25 (28) ~~(19)~~ Advertising by means of a blind  
26 advertisement, except as otherwise permitted in Section



1 10-30 of this Act.

2 (29) ~~(20)~~ Offering guaranteed sales plans, as defined  
3 in clause (A) of this subdivision (29) ~~(20)~~, except to the  
4 extent hereinafter set forth:

5 (A) A "guaranteed sales plan" is any real estate  
6 purchase or sales plan whereby a licensee enters into a  
7 conditional or unconditional written contract with a  
8 seller, prior to entering into a brokerage agreement  
9 with the Seller, by the terms of which a licensee  
10 agrees to purchase a property of the seller within a  
11 specified period of time at a specific price in the  
12 event the property is not sold in accordance with the  
13 terms of a contract brokerage agreement to be entered  
14 into listing contract between the sponsoring broker  
15 and the seller ~~or on other terms acceptable to the~~  
16 ~~seller.~~

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

20 (C) A licensee offering a guaranteed sales plan  
21 shall provide to the party to whom the plan is offered  
22 evidence of sufficient financial resources to satisfy  
23 the commitment to purchase undertaken by the broker in  
24 the plan.

25 (D) Any licensee offering a guaranteed sales plan  
26 shall undertake to market the property of the seller

1 subject to the plan in the same manner in which the  
2 broker would market any other property, unless the  
3 agreement with the seller provides otherwise.

4 (E) The licensee cannot purchase Seller's property  
5 until the brokerage agreement has ended according to  
6 its terms or is otherwise terminated.

7 (F) Any licensee who fails to perform on a  
8 guaranteed sales plan in strict accordance with its  
9 terms shall be subject to all the penalties provided in  
10 this Act for violations thereof and, in addition, shall  
11 be subject to a civil fine payable to the party injured  
12 by the default in an amount of up to \$25,000.

13 (30) ~~(21)~~ Influencing or attempting to influence, by  
14 any words or acts, a prospective seller, purchaser,  
15 occupant, landlord, or tenant of real estate, in connection  
16 with viewing, buying, or leasing real estate, so as to  
17 promote or tend to promote the continuance or maintenance  
18 of racially and religiously segregated housing or so as to  
19 retard, obstruct, or discourage racially integrated  
20 housing on or in any street, block, neighborhood, or  
21 community.

22 (31) ~~(22)~~ Engaging in any act that constitutes a  
23 violation of any provision of Article 3 of the Illinois  
24 Human Rights Act, whether or not a complaint has been filed  
25 with or adjudicated by the Human Rights Commission.

26 (32) ~~(23)~~ Inducing any party to a contract of sale or

1 lease or brokerage agreement to break the contract of sale  
2 or lease or brokerage agreement for the purpose of  
3 substituting, in lieu thereof, a new contract for sale or  
4 lease or brokerage agreement with a third party.

5 (33) ~~(24)~~ Negotiating a sale, exchange, or lease of  
6 real estate directly with any person if the licensee knows  
7 that the person has a written exclusive brokerage agreement  
8 with another broker, unless specifically authorized by  
9 that broker.

10 (34) ~~(25)~~ When a licensee is also an attorney, acting  
11 as the attorney for either the buyer or the seller in the  
12 same transaction in which the licensee is acting or has  
13 acted as a broker or salesperson.

14 (35) ~~(26)~~ Advertising or offering merchandise or  
15 services as free if any conditions or obligations necessary  
16 for receiving the merchandise or services are not disclosed  
17 in the same advertisement or offer. These conditions or  
18 obligations include without limitation the requirement  
19 that the recipient attend a promotional activity or visit a  
20 real estate site. As used in this subdivision (35) ~~(26)~~,  
21 "free" includes terms such as "award", "prize", "no  
22 charge", "free of charge", "without charge", and similar  
23 words or phrases that reasonably lead a person to believe  
24 that he or she may receive or has been selected to receive  
25 something of value, without any conditions or obligations  
26 on the part of the recipient.

1           (36) ~~(27)~~ Disregarding or violating any provision of  
2           the Land Sales Registration Act of 1989, the Illinois Real  
3           Estate Time-Share Act, or the published rules promulgated  
4           by the Department ~~OBRE~~ to enforce those Acts.

5           (37) ~~(28)~~ Violating the terms of a disciplinary order  
6           issued by the Department ~~OBRE~~.

7           (38) ~~(29)~~ Paying or failing to disclose compensation in  
8           violation of Article 10 of this Act.

9           39 ~~(30)~~ Requiring a party to a transaction who is not a  
10          client of the licensee to allow the licensee to retain a  
11          portion of the escrow moneys for payment of the licensee's  
12          commission or expenses as a condition for release of the  
13          escrow moneys to that party.

14          (40) ~~(31)~~ Disregarding or violating any provision of  
15          this Act or the published rules promulgated by the  
16          Department ~~OBRE~~ to enforce this Act or aiding or abetting  
17          any individual, partnership, registered limited liability  
18          partnership, limited liability company, or corporation in  
19          disregarding any provision of this Act or the published  
20          rules promulgated by the Department ~~OBRE~~ to enforce this  
21          Act.

22          (41) ~~(32)~~ Failing to provide the minimum services  
23          required by Section 15-75 of this Act when acting under an  
24          exclusive brokerage agreement.

25          (42) Habitual or excessive use or addiction to alcohol,  
26          narcotics, stimulants, or any other chemical agent or drug

1       that results in a managing broker, broker, salesperson, or  
2       leasing agent's inability to practice with reasonable  
3       skill or safety.

4       (b) The Department may refuse to issue or renew or may  
5       suspend the license of any person who fails to file a return,  
6       pay the tax, penalty or interest shown in a filed return, or  
7       pay any final assessment of tax, penalty, or interest, as  
8       required by any tax Act administered by the Department of  
9       Revenue, until such time as the requirements of that tax Act  
10       are satisfied in accordance with subsection (g) of Section  
11       2105-15 of the Civil Administrative Code of Illinois.

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

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

1 by the Department of Healthcare and Family Services in  
2 accordance with item (5) of subsection (g) of Section 2105-15  
3 of the Civil Administrative Code of Illinois.

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

24 If the Department or Board finds an individual unable to  
25 practice because of the reasons set forth in this Section, the  
26 Department or Board may require that individual to submit to

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

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

24 An individual licensed under this Act and affected under  
25 this Section shall be afforded an opportunity to demonstrate to  
26 the Department or Board that he or she can resume practice in

1 compliance with acceptable and prevailing standards under the  
2 provisions of his or her license.

3 (Source: P.A. 95-851, eff. 1-1-09.)

4 (225 ILCS 454/20-21 new)

5 Sec. 20-21. Injunctions; cease and desist order.

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

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



1 the satisfaction of the Department. Failure to answer to the  
2 satisfaction of the Department shall cause an order to cease  
3 and desist to be issued immediately.

4 (c) Other than as provided in Section 5-20 of this Act, if  
5 any person practices as a real estate broker, real estate  
6 salesperson or leasing agent or holds himself or herself out as  
7 a licensed sponsoring broker, managing broker, real estate  
8 broker, real estate salesperson or leasing agent under this Act  
9 without being issued a valid existing license by the  
10 Department, then any licensed sponsoring broker, managing  
11 broker, real estate broker, real estate salesperson, leasing  
12 agent, any interested party, or any person injured thereby may,  
13 in addition to the Secretary, petition for relief as provided  
14 in subsection (a) of this Section.

15 (225 ILCS 454/20-22 new)

16 Sec. 20-22. Violations. Any person who is found working or  
17 acting as a managing broker, real estate broker, real estate  
18 salesperson, or leasing agent or holding himself or herself out  
19 as a licensed sponsoring broker, managing broker, real estate  
20 broker, real estate salesperson, or leasing agent without being  
21 issued a valid existing license is guilty of a Class A  
22 misdemeanor and on conviction of a second or subsequent offense  
23 the violator shall be guilty of a Class 4 felony.

24 (225 ILCS 454/20-25)

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

2 Sec. 20-25. Returned checks; fees. Any person who delivers  
3 a check or other payment to the Department ~~OBRE~~ that is  
4 returned to the Department ~~OBRE~~ unpaid by the financial  
5 institution upon which it is drawn shall pay to the Department  
6 ~~OBRE~~, in addition to the amount already owed to OBRE, a fee of  
7 \$50. The Department ~~OBRE~~ shall notify the person that payment  
8 of fees and fines shall be paid to the Department ~~OBRE~~ by  
9 certified check or money order within 30 calendar days of the  
10 notification. If, after the expiration of 30 days from the date  
11 of the notification, the person has failed to submit the  
12 necessary remittance, the Department ~~OBRE~~ shall automatically  
13 terminate the license or deny the application, without hearing.  
14 If, after termination or denial, the person seeks a license, he  
15 or she shall apply to the Department ~~OBRE~~ for restoration or  
16 issuance of the license and pay all fees and fines due to the  
17 Department ~~OBRE~~. The Department ~~OBRE~~ may establish a fee for  
18 the processing of an application for restoration of a license  
19 to pay all expenses of processing this application. The  
20 Commissioner may waive the fees due under this Section in  
21 individual cases where the Commissioner finds that the fees  
22 would be unreasonable or unnecessarily burdensome.

23 (Source: P.A. 91-245, eff. 12-31-99; 92-146, eff. 1-1-02.)

24 (225 ILCS 454/20-50)

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

1           Sec. 20-50. Illegal discrimination. When there has been an  
2 adjudication in a civil or criminal proceeding that a licensee  
3 has illegally discriminated while engaged in any activity for  
4 which a license is required under this Act, the Department  
5 ~~OBRE~~, upon the recommendation of the Board as to the extent of  
6 the suspension or revocation, shall suspend or revoke the  
7 license of that licensee in a timely manner, unless the  
8 adjudication is in the appeal process. When there has been an  
9 order in an administrative proceeding finding that a licensee  
10 has illegally discriminated while engaged in any activity for  
11 which a license is required under this Act, the Department  
12 ~~OBRE~~, upon recommendation of the Board as to the nature and  
13 extent of the discipline, shall take one or more of the  
14 disciplinary actions provided for in Section 20-20 of this Act  
15 in a timely manner, unless the administrative order is in the  
16 appeal process.

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

18           (225 ILCS 454/20-55)

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

20           Sec. 20-55. Illinois Administrative Procedure Act. The  
21 Illinois Administrative Procedure Act is hereby expressly  
22 adopted and incorporated herein as if all of the provisions of  
23 that Act were included in this Act, except that the provision  
24 of subsection (d) of Section 10-65 of the Illinois  
25 Administrative Procedure Act that provides that at hearings the

1 licensee has the right to show compliance with all lawful  
2 requirements for retention, continuation, or renewal of the  
3 license is specifically excluded. For the purposes of this Act,  
4 the notice required under the Illinois Administrative  
5 Procedure Act is deemed sufficient when mailed to the last  
6 known address of record ~~a party~~.

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

8 (225 ILCS 454/20-60)

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

10 Sec. 20-60. Investigations; Hearing; investigation; notice  
11 and hearing; disciplinary consent order. The Department may  
12 investigate the actions of any applicant or of any person or  
13 persons rendering or offering to render services or any person  
14 holding or claiming to hold a license under this Act. The  
15 Department shall, before revoking, (a) OBRE may conduct  
16 hearings through the Board or a duly appointed hearing officer  
17 on proceedings to suspend, revoke, or to refuse to issue or  
18 renew licenses of persons applying for licensure or licensed  
19 under this Act or to censure, reprimand, or impose a civil fine  
20 not to exceed \$25,000 upon any licensee hereunder and may  
21 revoke, suspend, or refuse to issue or renew these licenses or  
22 censure, reprimand, or impose a civil fine not to exceed  
23 \$25,000 upon any licensee hereunder. (b) Upon the motion of  
24 either OBRE or the Board or upon the verified complaint in  
25 writing of any persons setting forth facts that if proven would

1 ~~constitute grounds for suspension or revocation under this Act,~~  
2 ~~OBRE, the Board, or its subcommittee shall cause to be~~  
3 ~~investigated the actions of any person so accused who holds a~~  
4 ~~license or is holding himself or herself out to be a licensee.~~  
5 ~~This person is hereinafter called the accused. (c) Prior to~~  
6 ~~initiating any formal disciplinary proceedings resulting from~~  
7 ~~an investigation conducted pursuant to subsection (b) of this~~  
8 ~~Section, that matter shall be reviewed by a subcommittee of the~~  
9 ~~Board according to procedures established by rule. The~~  
10 ~~subcommittee shall make a recommendation to the full Board as~~  
11 ~~to the validity of the complaint and may recommend that the~~  
12 ~~Board not proceed with formal disciplinary proceedings if the~~  
13 ~~complaint is determined to be frivolous or without merit. (d)~~  
14 ~~Except as provided for in Section 20-65 of this Act, OBRE~~  
15 ~~shall, before suspending, ~~revoking,~~ placing on probation,~~  
16 ~~reprimanding ~~probationary~~ status, or taking any other~~  
17 ~~disciplinary action under Section 20-20 of this Act, at least~~  
18 ~~30 days before the date set for the hearing, (i) as OBRE may~~  
19 ~~deem proper with regard to any license: (1) notify the accused~~  
20 ~~in writing of the at least 30 days prior to the date set for the~~  
21 ~~hearing of any charges made and the time and place for the~~  
22 ~~hearing on ~~of~~ the charges, (ii) direct him or her to file a~~  
23 ~~written answer to the charges with to be heard before the Board~~  
24 ~~under oath within 20 days after the service on him or her of~~  
25 ~~the notice, and (iii), and (2) inform the accused that if he or~~  
26 ~~she fails to answer upon failure to file an answer and request~~

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

25 (e) (Blank). ~~At the time and place fixed in the notice, the~~  
26 ~~Board shall proceed to hearing of the charges and both the~~

1 ~~accused person and the complainant shall be accorded ample~~  
2 ~~opportunity to present in person or by counsel such statements,~~  
3 ~~testimony, evidence and argument as may be pertinent to the~~  
4 ~~charges or to any defense thereto. The Board or its hearing~~  
5 ~~officer may continue a hearing date upon its own motion or upon~~  
6 ~~an accused's motion for one period not to exceed 30 days. The~~  
7 ~~Board or its hearing officer may grant further continuances for~~  
8 ~~periods not to exceed 30 days only upon good cause being shown~~  
9 ~~by the moving party. The non moving party shall have the~~  
10 ~~opportunity to object to a continuance on the record at a~~  
11 ~~hearing upon the motion to continue. All motions for~~  
12 ~~continuances and any denial or grant thereof shall be in~~  
13 ~~writing. All motions shall be submitted not later than 48 hours~~  
14 ~~before the scheduled hearing unless made upon an emergency~~  
15 ~~basis. In determining whether good cause for a continuance is~~  
16 ~~shown, the Board or its hearing officer shall consider such~~  
17 ~~factors as the volume of cases pending, the nature and~~  
18 ~~complexity of legal issues raised, the diligence of the party~~  
19 ~~making the request, the availability of party's legal~~  
20 ~~representative or witnesses, and the number of previous~~  
21 ~~requests for continuance.~~

22 (f) (Blank). ~~Any unlawful act or violation of any of the~~  
23 ~~provisions of this Act upon the part of any licensees employed~~  
24 ~~by a real estate broker or associated by written agreement with~~  
25 ~~the real estate broker, or unlicensed employee of a licensed~~  
26 ~~broker, shall not be cause for the revocation of the license of~~

1 ~~any such broker, partial or otherwise, unless it appears to the~~  
2 ~~satisfaction of OBRE that the broker had knowledge thereof.~~

3 (g) (Blank). ~~OBRE or the Board has power to subpoena any~~  
4 ~~persons or documents for the purpose of investigation or~~  
5 ~~hearing with the same fees and mileage and in the same manner~~  
6 ~~as prescribed by law for judicial procedure in civil cases in~~  
7 ~~courts of this State. The Commissioner, the Director, any~~  
8 ~~member of the Board, a certified court reporter, or a hearing~~  
9 ~~officer shall each have power to administer oaths to witnesses~~  
10 ~~at any hearing which OBRE is authorized under this Act to~~  
11 ~~conduct.~~

12 (h) (Blank). ~~Any circuit court or any judge thereof, upon~~  
13 ~~the application of the accused person, complainant, OBRE, or~~  
14 ~~the Board, may, by order entered, require the attendance of~~  
15 ~~witnesses and the production of relevant books and papers~~  
16 ~~before the Board in any hearing relative to the application for~~  
17 ~~or refusal, recall, suspension, or revocation of a license, and~~  
18 ~~the court or judge may compel obedience to the court's or the~~  
19 ~~judge's order by proceedings for contempt.~~

20 (i) (Blank). ~~OBRE, at its expense, shall preserve a record~~  
21 ~~of all proceedings at the formal hearing of any case involving~~  
22 ~~the refusal to issue or the revocation, suspension, or other~~  
23 ~~discipline of a licensee. The notice of hearing, complaint and~~  
24 ~~all other documents in the nature of pleadings and written~~  
25 ~~motions filed in the proceedings, the transcript of testimony,~~  
26 ~~the report of the Board, and the orders of OBRE shall be the~~



1 ~~record of the proceeding. At all hearings or pre-hearing~~  
2 ~~conferences, OBRE and the accused shall be entitled to have a~~  
3 ~~court reporter in attendance for purposes of transcribing the~~  
4 ~~proceeding or pre-hearing conference at the expense of the~~  
5 ~~party requesting the court reporter's attendance. A copy of the~~  
6 ~~transcribed proceeding shall be available to the other party~~  
7 ~~for the cost of a copy of the transcript.~~

8 (j) (Blank). ~~The Board shall present to the Commissioner~~  
9 ~~its written report of its findings and recommendations. A copy~~  
10 ~~of the report shall be served upon the accused, either~~  
11 ~~personally or by certified mail as provided in this Act for the~~  
12 ~~service of the citation. Within 20 days after the service, the~~  
13 ~~accused may present to the Commissioner a motion in writing for~~  
14 ~~a rehearing that shall specify the particular grounds therefor.~~  
15 ~~If the accused shall order and pay for a transcript of the~~  
16 ~~record as provided in this Act, the time elapsing thereafter~~  
17 ~~and before the transcript is ready for delivery to the accused~~  
18 ~~shall not be counted as part of the 20 days. Whenever the~~  
19 ~~Commissioner is satisfied that substantial justice has not been~~  
20 ~~done, the Commissioner may order a rehearing by the Board or~~  
21 ~~other special committee appointed by the Commissioner or may~~  
22 ~~remand the matter to the Board for their reconsideration of the~~  
23 ~~matter based on the pleadings and evidence presented to the~~  
24 ~~Board. In all instances, under this Act, in which the Board has~~  
25 ~~rendered a recommendation to the Commissioner with respect to a~~  
26 ~~particular licensee or applicant, the Commissioner shall, in~~

1 ~~the event that he or she disagrees with or takes action~~  
2 ~~contrary to the recommendation of the Board, file with the~~  
3 ~~Board and the Secretary of State his specific written reasons~~  
4 ~~of disagreement with the Board. The reasons shall be filed~~  
5 ~~within 60 days of the Board's recommendation to the~~  
6 ~~Commissioner and prior to any contrary action. At the~~  
7 ~~expiration of the time specified for filing a motion for a~~  
8 ~~rehearing, the Commissioner shall have the right to take the~~  
9 ~~action recommended by the Board. Upon the suspension or~~  
10 ~~revocation of a license, the licensee shall be required to~~  
11 ~~surrender his or her license to OBRE, and upon failure or~~  
12 ~~refusal to do so, OBRE shall have the right to seize the~~  
13 ~~license.~~

14 (k) (Blank). ~~At any time after the suspension, temporary~~  
15 ~~suspension, or revocation of any license, OBRE may restore it~~  
16 ~~to the accused without examination, upon the written~~  
17 ~~recommendation of the Board.~~

18 ~~(1) An order of revocation or suspension or a certified~~  
19 ~~copy thereof, over the seal of OBRE and purporting to be signed~~  
20 ~~by the Commissioner, shall be prima facie proof that:~~

21 ~~(1) The signature is the genuine signature of the~~  
22 ~~Commissioner.~~

23 ~~(2) The Commissioner is duly appointed and qualified.~~

24 ~~(3) The Board and the members thereof are qualified.~~

25 ~~Such proof may be rebutted.~~

26 (m) (Blank). ~~Notwithstanding any provisions concerning the~~

~~conduct of hearings and recommendations for disciplinary actions, OBRE as directed by the Commissioner has the authority to negotiate agreements with licensees and applicants resulting in disciplinary consent orders. These consent orders may provide for any of the forms of discipline provided in this Act. These consent orders shall provide that they were not entered into as a result of any coercion by OBRE. Any such consent order shall be filed with the Commissioner along with the Board's recommendation and accepted or rejected by the Commissioner within 60 days of the Board's recommendation.~~

(Source: P.A. 91-245, eff. 12-31-99; 92-217, eff. 8-2-01.)

(225 ILCS 454/20-62 new)

Sec. 20-62. Record of proceedings; transcript. The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the Board, and orders of the Department shall be in the record of the proceeding.

(225 ILCS 454/20-63 new)

Sec. 20-63. Subpoenas; depositions; oaths. The Department has the power to subpoena documents, books, records, or other materials and to bring before it any person and to take testimony either orally or by deposition, or both, with the

1 same fees and mileage and in the same manner as prescribed in  
2 civil cases in the courts of this State. The Secretary, the  
3 designated hearing officer, and every member of the Board has  
4 the power to administer oaths to witnesses at any hearing that  
5 the Department is authorized to conduct, and any other oaths  
6 authorized in an Act that is administered by the Department.

7 (225 ILCS 454/20-64 new)

8 Sec. 20-64. Board; rehearing. At the conclusion of a  
9 hearing, a copy of the Board's report shall be served upon the  
10 applicant or licensee by the Department, either personally or  
11 as provided in this Act for the service of a notice of hearing.  
12 Within 20 days after the service, the applicant or licensee may  
13 present to the Department a motion in writing for a rehearing,  
14 which shall specify the grounds for the rehearing. The  
15 Department may respond to the motion, or if a motion for  
16 rehearing is denied, then upon denial, and except as provided  
17 in Section 20-65 of this Act, the Secretary may enter an order  
18 in accordance with the recommendations of the Board. If the  
19 applicant or licensee orders from the reporting service and  
20 pays for a transcript of the record within the time for filing  
21 a motion for rehearing, then the 20-day period within which a  
22 motion may be filed shall commence upon the delivery of the  
23 transcript to the applicant or licensee.

24 (225 ILCS 454/20-65)

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

2 Sec. 20-65. Temporary suspension. The Secretary  
3 ~~Commissioner~~ may temporarily suspend the license of a licensee  
4 without a hearing, simultaneously with the institution of  
5 proceedings for a hearing provided for in Section 20-61 ~~20-60~~  
6 of this Act, if the Secretary ~~Commissioner~~ finds that the  
7 evidence indicates that the public interest, safety, or welfare  
8 imperatively requires emergency action. In the event that the  
9 Secretary ~~Commissioner~~ temporarily suspends the license  
10 without a hearing before the Board, a hearing shall be  
11 commenced ~~held~~ within 30 days after the suspension has  
12 occurred. The suspended licensee may seek a continuance of the  
13 hearing during which the suspension shall remain in effect. The  
14 proceeding shall be concluded without appreciable delay.

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

16 (225 ILCS 454/20-66 new)

17 Sec. 20-66. Appointment of a hearing officer. The Secretary  
18 has the authority to appoint any attorney licensed to practice  
19 law in the State of Illinois to serve as the hearing officer in  
20 any action for refusal to issue, restore, or renew a license or  
21 to discipline a licensee. The hearing officer has full  
22 authority to conduct the hearing. A board member or member may  
23 attend hearings. The hearing officer shall report his or her  
24 findings of fact, conclusion of law, and recommendations to the  
25 Board. The Board shall review the report of the hearing officer

1 and present its findings of fact, conclusions of law, and  
2 recommendations to the Secretary and all parties to the  
3 proceeding. If the Secretary disagrees with the recommendation  
4 of the Board or of the hearing officer, then the Secretary may  
5 issue an order in contravention of the recommendation.

6 (225 ILCS 454/20-67 new)

7 Sec. 20-67. Order or certified copy; prima facie proof. An  
8 order, or certified copy of an order, over the seal of the  
9 Department and purporting to be signed by the Secretary is  
10 prima facie proof that (i) the signature is the genuine  
11 signature of the Secretary, (ii) the Secretary is duly  
12 appointed and qualified, and (iii) the Board and its members  
13 are qualified to act.

14 (225 ILCS 454/20-68 new)

15 Sec. 20-68. Surrender of license. Upon the revocation or  
16 suspension of a license, the licensee shall immediately  
17 surrender his or her license to the Department. If the licensee  
18 fails to do so, the Department has the right to seize the  
19 license.

20 (225 ILCS 454/20-69 new)

21 Sec. 20-69. Restoration of a suspended or revoked license.  
22 At any time after the successful completion of a term of  
23 suspension or revocation of a license, the Department may

1 restore it to the licensee, upon the written recommendation of  
2 the Board, unless after an investigation and a hearing the  
3 Board determines that restoration is not in the public  
4 interest.

5 (225 ILCS 454/20-72 new)

6 Sec. 20-72. Secretary; rehearing. If the Secretary  
7 believes that substantial justice has not been done in the  
8 revocation, suspension, or refusal to issue, restore, or renew  
9 a license, or any other discipline of an applicant or licensee,  
10 then he or she may order a rehearing by the same or other  
11 examiners.

12 (225 ILCS 454/20-73 new)

13 Sec. 20-73. Certifications of record; costs. The  
14 Department shall not be required to certify any record to the  
15 court, to file an answer in court, or to otherwise appear in  
16 any court in a judicial review proceeding unless there is filed  
17 in the court, with the complaint, a receipt from the Department  
18 acknowledging payment of the costs of furnishing and certifying  
19 the record, which costs shall be determined by the Department.  
20 Failure on the part of the plaintiff to file the receipt in  
21 court is grounds for dismissal of the action.

22 (225 ILCS 454/20-75)

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

1           Sec. 20-75. Administrative Review venue Law; ~~certification~~  
2 ~~fee; summary report of final disciplinary actions.~~

3           (a) All final administrative decisions of the Department  
4 are ~~OBRE shall be~~ subject to judicial review under ~~pursuant to~~  
5 ~~the provisions of~~ the Administrative Review Law and its ~~the~~  
6 rules ~~adopted pursuant thereto.~~ The term "administrative  
7 decision" is defined in Section 3-101 of the Code of Civil  
8 Procedure ~~Administrative Review Law.~~

9           (b) Proceedings for judicial review shall be commenced in  
10 the circuit court of the court in which the party applying for  
11 review resides, but if the party is not a resident of Illinois,  
12 the venue shall be in Sangamon County. ~~OBRE shall not be~~  
13 ~~required to certify any record or file any answer or otherwise~~  
14 ~~appear unless the party filing the complaint pays to OBRE the~~  
15 ~~certification fee provided for by rule representing costs of~~  
16 ~~the certification. Failure on the part of the plaintiff to make~~  
17 ~~such a deposit shall be grounds for dismissal of the action.~~  
18 ~~OBRE shall prepare from time to time, but in no event less~~  
19 ~~often than once every other month, a summary report of final~~  
20 ~~disciplinary actions taken since the previous summary report.~~  
21 ~~The summary report shall contain a brief description of the~~  
22 ~~action that brought about the discipline and the final~~  
23 ~~disciplinary action taken. The summary report shall be made~~  
24 ~~available upon request.~~

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



1 (225 ILCS 454/20-82 new)

2 Sec. 20-82. Fines and penalties; Real Estate Recovery Fund.

3 All fines and penalties collected by the Department shall be  
4 deposited in the Real Estate Recovery Fund.

5 (225 ILCS 454/20-85)

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

7 Sec. 20-85. Recovery from Real Estate Recovery Fund. The  
8 Department ~~DBRE~~ shall maintain a Real Estate Recovery Fund from  
9 which any person aggrieved by an act, representation,  
10 transaction, or conduct of a licensee or unlicensed employee of  
11 a licensee that is in violation of this Act or the rules  
12 promulgated pursuant thereto, constitutes embezzlement of  
13 money or property, or results in money or property being  
14 unlawfully obtained from any person by false pretenses,  
15 artifice, trickery, or forgery or by reason of any fraud,  
16 misrepresentation, discrimination, or deceit by or on the part  
17 of any such licensee or the unlicensed employee of a licensee  
18 and that results in a loss of actual cash money, as opposed to  
19 losses in market value, may recover. The aggrieved person may  
20 recover, by order of the circuit court of the county where the  
21 violation occurred, an amount of not more than \$25,000 ~~\$10,000~~  
22 from the Fund for damages sustained by the act, representation,  
23 transaction, or conduct, together with costs of suit and  
24 attorney's fees incurred in connection therewith of not to  
25 exceed 15% of the amount of the recovery ordered paid from the

1 Fund. However, no licensee ~~licensed broker or salesperson~~ may  
2 recover from the Fund unless the court finds that the person  
3 suffered a loss resulting from intentional misconduct. The  
4 court order shall not include interest on the judgment. The  
5 maximum liability against the Fund arising out of any one act  
6 shall be as provided in this Section, and the judgment order  
7 shall spread the award equitably among all co-owners or  
8 otherwise aggrieved persons, if any. The maximum liability  
9 against the Fund arising out of the activities of any one  
10 licensee or one unlicensed employee of a licensee, since  
11 January 1, 1974, shall be \$100,000 ~~\$50,000~~. Nothing in this  
12 Section shall be construed to authorize recovery from the Fund  
13 unless the loss of the aggrieved person results from an act or  
14 omission of a licensee under this Act ~~licensed broker,~~  
15 ~~salesperson, or unlicensed employee~~ who was at the time of the  
16 act or omission acting in such capacity or was apparently  
17 acting in such capacity and unless the aggrieved person has  
18 obtained a valid judgment as provided in Section 20-90 of this  
19 Act. No person aggrieved by an act, representation, or  
20 transaction that is in violation of the Illinois Real Estate  
21 Time-Share Act or the Land Sales Registration Act of 1989 may  
22 recover from the Fund.

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

24 (225 ILCS 454/20-90)

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

1           Sec. 20-90. Collection from Real Estate Recovery Fund;  
2 procedure.

3           (a) No action for a judgment that subsequently results in  
4 an order for collection from the Real Estate Recovery Fund  
5 shall be started later than 2 years after the date on which the  
6 aggrieved person knew, or through the use of reasonable  
7 diligence should have known, of the acts or omissions giving  
8 rise to a right of recovery from the Real Estate Recovery Fund.

9           (b) When any aggrieved person commences action for a  
10 judgment that may result in collection from the Real Estate  
11 Recovery Fund, the aggrieved person must name as parties  
12 defendant to that action any and all individual licensees ~~real~~  
13 ~~estate brokers, real estate salespersons,~~ or their employees  
14 who allegedly committed or are responsible for acts or  
15 omissions giving rise to a right of recovery from the Real  
16 Estate Recovery Fund. Failure to name as parties defendant such  
17 licensees ~~individual brokers, salespersons,~~ or their employees  
18 shall preclude recovery from the Real Estate Recovery Fund of  
19 any portion of any judgment received in such an action. The  
20 aggrieved party may also name as additional parties defendant  
21 any corporations, limited liability companies, partnerships,  
22 registered limited liability partnership, or other business  
23 associations that may be responsible for acts giving rise to a  
24 right of recovery from the Real Estate Recovery Fund.

25           (c) When any aggrieved person commences action for a  
26 judgment that may result in collection from the Real Estate

1 Recovery Fund, the aggrieved person must notify the Department  
2 ~~OBRE~~ in writing to this effect within 7 days of the  
3 commencement of the action. Failure to so notify the Department  
4 ~~OBRE~~ shall preclude recovery from the Real Estate Recovery Fund  
5 of any portion of any judgment received in such an action.  
6 After receiving notice of the commencement of such an action,  
7 the Department ~~OBRE~~ upon timely application shall be permitted  
8 to intervene as a party defendant to that action.

9 (d) When any aggrieved person commences action for a  
10 judgment that may result in collection from the Real Estate  
11 Recovery Fund, and the aggrieved person is unable to obtain  
12 legal and proper service upon the defendant under the  
13 provisions of Illinois law concerning service of process in  
14 civil actions, the aggrieved person may petition the court  
15 where the action to obtain judgment was begun for an order to  
16 allow service of legal process on the Secretary ~~Commissioner~~.  
17 Service of process on the Secretary ~~Commissioner~~ shall be taken  
18 and held in that court to be as valid and binding as if due  
19 service had been made upon the defendant. In case any process  
20 mentioned in this Section is served upon the Secretary  
21 ~~Commissioner~~, the Secretary ~~Commissioner~~ shall forward a copy  
22 of the process by certified mail to the licensee's last address  
23 on record with the Department ~~OBRE~~. Any judgment obtained after  
24 service of process on the Commissioner under this Act shall  
25 apply to and be enforceable against the Real Estate Recovery  
26 Fund only. OBRE may intervene in and defend any such action.

1           (e) When an aggrieved party commences action for a judgment  
2 that may result in collection from the Real Estate Recovery  
3 Fund, and the court before which that action is commenced  
4 enters judgment by default against the defendant and in favor  
5 of the aggrieved party, the court shall upon motion of the  
6 Department ~~OBRE~~ set aside that judgment by default. After such  
7 a judgment by default has been set aside, the Department ~~OBRE~~  
8 shall appear as party defendant to that action, and thereafter  
9 the court shall require proof of the allegations in the  
10 pleadings upon which relief is sought.

11           (f) The aggrieved person shall give written notice to the  
12 Department ~~OBRE~~ within 30 days of the entry of any judgment  
13 that may result in collection from the Real Estate Recovery  
14 Fund. The aggrieved person shall provide OBRE within 20 days  
15 prior written notice of all supplementary proceedings so as to  
16 allow the Department ~~OBRE~~ to participate in all efforts to  
17 collect on the judgment.

18           (g) When any aggrieved person recovers a valid judgment in  
19 any court of competent jurisdiction against any licensee or an  
20 unlicensed employee of any broker, upon the grounds of fraud,  
21 misrepresentation, discrimination, or deceit, the aggrieved  
22 person may, upon the termination of all proceedings, including  
23 review and appeals in connection with the judgment, file a  
24 verified claim in the court in which the judgment was entered  
25 and, upon 30 days' written notice to the Department ~~OBRE~~, and  
26 to the person against whom the judgment was obtained, may apply

1 to the court for an order directing payment out of the Real  
2 Estate Recovery Fund of the amount unpaid upon the judgment,  
3 not including interest on the judgment, and subject to the  
4 limitations stated in Section 20-85 of this Act. The aggrieved  
5 person must set out in that verified claim and at an  
6 evidentiary hearing to be held by the court upon the  
7 application the aggrieved party shall be required to show that  
8 the aggrieved person:

9 (1) Is not a spouse of the debtor or the personal  
10 representative of such spouse.

11 (2) Has complied with all the requirements of this  
12 Section.

13 (3) Has obtained a judgment stating the amount thereof  
14 and the amount owing thereon, not including interest  
15 thereon, at the date of the application.

16 (4) Has made all reasonable searches and inquiries to  
17 ascertain whether the judgment debtor is possessed of real  
18 or personal property or other assets, liable to be sold or  
19 applied in satisfaction of the judgment.

20 (5) By such search has discovered no personal or real  
21 property or other assets liable to be sold or applied, or  
22 has discovered certain of them, describing them as owned by  
23 the judgment debtor and liable to be so applied and has  
24 taken all necessary action and proceedings for the  
25 realization thereof, and the amount thereby realized was  
26 insufficient to satisfy the judgment, stating the amount so

1 realized and the balance remaining due on the judgment  
2 after application of the amount realized.

3 (6) Has diligently pursued all remedies against all the  
4 judgment debtors and all other persons liable to the  
5 aggrieved person in the transaction for which recovery is  
6 sought from the Real Estate Recovery Fund, including the  
7 filing of an adversary action to have the debts declared  
8 non-dischargeable in any bankruptcy petition matter filed  
9 by any judgment debtor or person liable to the aggrieved  
10 person.

11 The aggrieved person shall also be required to prove the  
12 amount of attorney's fees sought to be recovered and the  
13 reasonableness of those fees up to the maximum allowed pursuant  
14 to Section 20-85 of this Act.

15 (h) The court shall make an order directed to the  
16 Department ~~OBRE~~ requiring payment from the Real Estate Recovery  
17 Fund of whatever sum it finds to be payable upon the claim,  
18 pursuant to and in accordance with the limitations contained in  
19 Section 20-85 of this Act, if the court is satisfied, upon the  
20 hearing, of the truth of all matters required to be shown by  
21 the aggrieved person under subsection (g) of this Section and  
22 that the aggrieved person has fully pursued and exhausted all  
23 remedies available for recovering the amount awarded by the  
24 judgment of the court.

25 (i) Should the Department ~~OBRE~~ pay from the Real Estate  
26 Recovery Fund any amount in settlement of a claim or toward

1 satisfaction of a judgment against a licensed broker or  
2 salesperson or an unlicensed employee of a broker, the  
3 licensee's license shall be automatically terminated upon the  
4 issuance of a court order authorizing payment from the Real  
5 Estate Recovery Fund. No petition for restoration of a license  
6 shall be heard until repayment has been made in full, plus  
7 interest at the rate prescribed in Section 12-109 of the Code  
8 of Civil Procedure of the amount paid from the Real Estate  
9 Recovery Fund on their account. A discharge in bankruptcy shall  
10 not relieve a person from the penalties and disabilities  
11 provided in this subsection (i).

12 (j) If, at any time, the money deposited in the Real Estate  
13 Recovery Fund is insufficient to satisfy any duly authorized  
14 claim or portion thereof, the Department ~~OBRE~~ shall, when  
15 sufficient money has been deposited in the Real Estate Recovery  
16 Fund, satisfy such unpaid claims or portions thereof, in the  
17 order that such claims or portions thereof were originally  
18 filed, plus accumulated interest at the rate prescribed in  
19 Section 12-109 of the Code of Civil Procedure.

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

21 (225 ILCS 454/20-95)

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

23 Sec. 20-95. Power of the Department ~~OBRE~~ to defend. When  
24 the Department ~~OBRE~~ receives any process, notice, order, or  
25 other document provided for or required under Section 20-90 of



1 this Act, it may enter an appearance, file an answer, appear at  
2 the court hearing, defend the action, or take whatever other  
3 action it deems appropriate on behalf and in the name of the  
4 defendant and take recourse through any appropriate method of  
5 review on behalf of and in the name of the defendant.

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

7 (225 ILCS 454/20-100)

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

9 Sec. 20-100. Subrogation of the Department ~~OBRE~~ to rights  
10 of judgment creditor. When, upon the order of the court, the  
11 Department ~~OBRE~~ has paid from the Real Estate Recovery Fund any  
12 sum to the judgment creditor, the Department ~~OBRE~~ shall be  
13 subrogated to all of the rights of the judgment creditor and  
14 the judgment creditor shall assign all rights, title, and  
15 interest in the judgment to the Department ~~OBRE~~ and any amount  
16 and interest so recovered by the Department ~~OBRE~~ on the  
17 judgment shall be deposited in the Real Estate Recovery Fund.

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

19 (225 ILCS 454/20-110)

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

21 Sec. 20-110. Disciplinary actions of the Department ~~OBRE~~  
22 not limited. Nothing contained in Sections 20-80 through 20-100  
23 of this Act limits the authority of the Department ~~OBRE~~ to take  
24 disciplinary action against any licensee for a violation of

1 this Act or the rules of the Department ~~OBRE~~, nor shall the  
2 repayment in full of all obligations to the Real Estate  
3 Recovery Fund by any licensee nullify or modify the effect of  
4 any other disciplinary proceeding brought pursuant to this Act.  
5 (Source: P.A. 91-245, eff. 12-31-99.)

6 (225 ILCS 454/20-115)

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

8 Sec. 20-115. Time limit on action. No action may be taken  
9 by the Department ~~OBRE~~ against any person for violation of the  
10 terms of this Act or its rules unless the action is commenced  
11 within 5 years after the occurrence of the alleged violation.  
12 (Source: P.A. 91-245, eff. 12-31-99.)

13 (225 ILCS 454/25-5)

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

15 Sec. 25-5. The Department ~~OBRE~~; powers and duties. The  
16 Department ~~OBRE~~ shall exercise the powers and duties prescribed  
17 by the Civil Administrative Code of Illinois for the  
18 administration of licensing acts and shall exercise such other  
19 powers and duties as are prescribed by this Act. The Department  
20 ~~OBRE~~ may contract with third parties for services or the  
21 development of courses necessary for the proper administration  
22 of this Act.  
23 (Source: P.A. 91-245, eff. 12-31-99.)

1 (225 ILCS 454/25-10)

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

3 Sec. 25-10. Real Estate Administration and Disciplinary  
4 Board; duties. There is created the Real Estate Administration  
5 and Disciplinary Board. The Board shall be composed of 9  
6 persons appointed by the Governor. Members shall be appointed  
7 to the Board subject to the following conditions:

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

11 (2) Six members shall have been actively engaged as  
12 brokers or salespersons or both for at least the 10 years  
13 prior to the appointment.

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

16 None of these members shall be (i) a person who is licensed  
17 under this Act or a similar Act of another jurisdiction, (ii)  
18 the spouse or family member of a licensee, (iii) , the spouse  
19 of a person licensed under this Act, or a person who has an  
20 ownership interest in a real estate brokerage business, or (iv)  
21 a person the Department determines to have any other connection  
22 with a real estate brokerage business or a licensee. The  
23 members' terms shall be 4 years or until their successor is  
24 appointed, and the expiration of their terms shall be  
25 staggered. Appointments to fill vacancies shall be for the  
26 unexpired portion of the term. No A member shall be reappointed

1 to the Board for a term that would cause his or her service on  
2 the Board to be longer than 12 years in a lifetime ~~may be~~  
3 ~~reappointed for successive terms but no person shall be~~  
4 ~~appointed to more than 2 terms or any part thereof in his or~~  
5 ~~her lifetime. Persons holding office as members of the Board~~  
6 ~~immediately prior to December 31, 1999 under the Real Estate~~  
7 ~~License Act of 1983 shall continue as members of the Board~~  
8 ~~until the expiration of the term for which they were appointed~~  
9 ~~and until their successors are appointed and qualified. The~~  
10 membership of the Board should reasonably reflect the  
11 geographic distribution of the licensee population in this  
12 State. In making the appointments, the Governor shall give due  
13 consideration to the recommendations by members and  
14 organizations of the profession. The Governor may terminate the  
15 appointment of any member for cause that in the opinion of the  
16 Governor reasonably justifies the termination. Cause for  
17 termination shall include without limitation misconduct,  
18 incapacity, neglect of duty, or missing 4 board meetings during  
19 any one calendar year. Each member of the Board may ~~shall~~  
20 receive a per diem stipend in an amount to be determined by the  
21 Secretary ~~Commissioner~~. Each member shall be paid his or her  
22 necessary expenses while engaged in the performance of his or  
23 her duties. Such compensation and expenses shall be paid out of  
24 the Real Estate License Administration Fund. The Secretary  
25 ~~Commissioner~~ shall consider the recommendations of the Board on  
26 questions involving standards of professional conduct,

1 discipline, and examination of candidates under this Act. The  
2 Department ~~OBRE~~, after notifying and considering the  
3 recommendations of the Board, if any, may issue rules,  
4 consistent with the provisions of this Act, for the  
5 administration and enforcement thereof and may prescribe forms  
6 that shall be used in connection therewith. A majority of the  
7 Board members shall constitute a quorum. A vacancy in the  
8 membership of the Board shall not impair the right of a quorum  
9 to exercise all the rights and perform all the duties of the  
10 Board ~~None of the functions, powers, or duties enumerated in~~  
11 ~~Sections 20-20 and 30-5 and subsections (a) and (j) of Section~~  
12 ~~20-60 of this Act shall be exercised by OBRE except upon the~~  
13 ~~action and report in writing of the Board.~~

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

15 (225 ILCS 454/25-13)

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

17 Sec. 25-13. Rules. The Department ~~OBRE~~, after notifying and  
18 considering the recommendations of the Board, if any, shall  
19 adopt, promulgate, and issue any rules that may be necessary  
20 for the implementation and enforcement of this Act. Rulemaking  
21 authority to implement this Act is conditioned on the rules  
22 being adopted in accordance with all provisions of and  
23 procedures and rules implementing the Illinois Administrative  
24 Procedure Act. Any rule not so adopted, for whatever reason, is  
25 unauthorized.

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

2 (225 ILCS 454/25-14)

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

4 Sec. 25-14. Reliance on advisory letters. Licensees or  
5 their representatives may seek an advisory letter from the  
6 Department ~~OBRE~~ as to matters arising under this Act or the  
7 rules promulgated pursuant to this Act. The Department ~~OBRE~~  
8 shall promulgate rules as to the process of seeking and  
9 obtaining an advisory letter and topics and areas on which  
10 advisory rules will be issued by the Department ~~OBRE~~. A  
11 licensee is entitled to rely upon an advisory letter from the  
12 Department ~~OBRE~~ and will not be disciplined by the Department  
13 ~~OBRE~~ for actions taken in reliance on the advisory letter.

14 (Source: P.A. 92-217, eff. 8-2-01.)

15 (225 ILCS 454/25-15)

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

17 Sec. 25-15. ~~Director of Real Estate~~ Coordinator; duties.  
18 There shall be in the Department ~~OBRE~~ ~~a Director and a Deputy~~  
19 ~~Director of Real Estate~~ Coordinator, appointed by the Secretary  
20 ~~Commissioner~~, who shall hold a currently valid broker's  
21 license, which shall be surrendered to the Department ~~OBRE~~  
22 during the appointment. The ~~Director of Real Estate~~ Coordinator  
23 shall have ~~report to the Commissioner and shall do~~ the  
24 following duties and responsibilities:

1 (1) act as Chairperson of the Board, ex-officio,  
2 without vote;

3 (2) be the direct liaison between the Department ~~OBRE~~,  
4 the profession, and real estate organizations and  
5 associations;

6 (3) prepare and circulate to licensees any educational  
7 and informational material that the Department ~~OBRE~~ deems  
8 necessary for providing guidance or assistance to  
9 licensees;

10 (4) appoint any necessary committees to assist in the  
11 performance of the functions and duties of the Department  
12 ~~OBRE~~ under this Act; and

13 (5) subject to the administrative approval of the  
14 Secretary ~~Commissioner~~, supervise all real estate  
15 activities ~~of OBRE~~.

16 ~~The Commissioner shall appoint, for a term of 4 years, a~~  
17 ~~Deputy Director of Real Estate who shall hold a currently valid~~  
18 ~~broker's license, which shall be surrendered to OBRE during the~~  
19 ~~appointment. Under direction of the Director of Real Estate,~~  
20 ~~the Deputy Director of Real Estate shall be responsible for the~~  
21 ~~administration of the licensing, disciplinary, and education~~  
22 ~~provisions of this Act. The Deputy Director shall also assist~~  
23 ~~the Director of Real Estate in the performance of his or her~~  
24 ~~duties.~~

25 In designating the ~~Director and Deputy Director~~ of Real  
26 Estate Coordinator, the Secretary ~~Commissioner~~ shall give due

1 consideration to recommendations by members and organizations  
2 of the profession.

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

4 (225 ILCS 454/25-20)

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

6 Sec. 25-20. Staff. The Department ~~ORRE~~ shall employ a  
7 minimum of one investigator per 5,000 licensees and one  
8 prosecutor per 10,000 licensees in order to have sufficient  
9 staff to perform the Department's obligations under the Act.  
10 Further, the Department shall dedicate at least one of the  
11 investigators and one of the prosecutors to investigate and  
12 prosecute complaints and situations involving unlicensed  
13 practice of real estate brokerage activities ~~carry out the~~  
14 ~~provisions of this Act.~~

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

16 (225 ILCS 454/25-21 new)

17 Sec. 25-21. Peer review advisors. The Department may  
18 contract with licensees meeting qualifications established by  
19 the Department to serve as peer review advisors for complaints  
20 and alleged violations of the Act. A peer review advisor is  
21 authorized to investigate and determine the facts of a  
22 complaint. The peer review advisor shall interview witnesses,  
23 the complainant and any licensees involved in the alleged  
24 matter and make a recommendation as to the findings of fact.



1 The Department shall have 30 days from receipt of the  
2 recommendation to accept, reject or modify the recommended  
3 findings of fact. Peer review advisors shall be compensated  
4 from the Real Estate Audit Fund at a rate of not to exceed  
5 \$15,000.00 per advisor annually. A peer review advisor shall  
6 not investigate a complaint from a marketplace in which the  
7 peer review advisor does business.

8 (225 ILCS 454/25-25)

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

10 Sec. 25-25. Real Estate Research and Education Fund. A  
11 special fund to be known as the Real Estate Research and  
12 Education Fund is created and shall be held in trust in the  
13 State Treasury. Annually, on September 15th, the State  
14 Treasurer shall cause a transfer of \$125,000 to the Real Estate  
15 Research and Education Fund from the Real Estate License  
16 Administration Fund. The Real Estate Research and Education  
17 Fund shall be administered by the Department ~~OBRE~~. Money  
18 deposited in the Real Estate Research and Education Fund may be  
19 used for research and education at state institutions of higher  
20 education or other organizations for research and the  
21 advancement of education in the real estate industry. Of the  
22 \$125,000 annually transferred into the Real Estate Research and  
23 Education Fund, \$15,000 shall be used to fund a scholarship  
24 program for persons of minority racial origin who wish to  
25 pursue a course of study in the field of real estate. For the

1 purposes of this Section, "course of study" means a course or  
2 courses that are part of a program of courses in the field of  
3 real estate designed to further an individual's knowledge or  
4 expertise in the field of real estate. These courses shall  
5 include without limitation courses that a salesperson licensed  
6 under this Act must complete to qualify for a real estate  
7 broker's license, courses that a broker licensed under this Act  
8 must complete to qualify for a managing broker's license,  
9 courses required to obtain the Graduate Realtors Institute  
10 designation, and any other courses or programs offered by  
11 accredited colleges, universities, or other institutions of  
12 higher education in Illinois. The scholarship program shall be  
13 administered by the Department ~~OPRE~~ or its designee. Moneys in  
14 the Real Estate Research and Education Fund may be invested and  
15 reinvested in the same manner as funds in the Real Estate  
16 Recovery Fund and all earnings, interest, and dividends  
17 received from such investments shall be deposited in the Real  
18 Estate Research and Education Fund and may be used for the same  
19 purposes as moneys transferred to the Real Estate Research and  
20 Education Fund. Moneys in the Real Estate Research and  
21 Education Fund may be transferred to the Professions Indirect  
22 Cost Fund as authorized under Section 2105-300 of the  
23 Department of Professional Regulation Law of the Civil  
24 Administrative Code of Illinois.

25 (Source: P.A. 94-91, eff. 7-1-05.)

1 (225 ILCS 454/25-30)

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

3 Sec. 25-30. Real Estate License Administration Fund;  
4 audit. A special fund to be known as the Real Estate License  
5 Administration Fund is created in the State Treasury. All fees  
6 received by the Department ~~OBRE~~ under this Act shall be  
7 deposited in the Real Estate License Administration Fund. The  
8 moneys deposited in the Real Estate License Administration Fund  
9 shall be appropriated to the Department ~~OBRE~~ for expenses of  
10 the Department ~~OBRE~~ and the Board in the administration of this  
11 Act and for the administration of any Act administered by OBRE  
12 providing revenue to this Fund. Moneys in the Real Estate  
13 License Administration Fund may be invested and reinvested in  
14 the same manner as funds in the Real Estate Recovery Fund. All  
15 earnings received from such investment shall be deposited in  
16 the Real Estate License Administration Fund and may be used for  
17 the same purposes as fees deposited in the Real Estate License  
18 Administration Fund. Moneys in the Real Estate License  
19 Administration Fund may be transferred to the Professions  
20 Indirect Cost Fund as authorized under Section 2105-300 of the  
21 Department of Professional Regulation Law of the Civil  
22 Administrative Code of Illinois. Upon the completion of any  
23 audit of the Department ~~OBRE~~, as prescribed by the Illinois  
24 State Auditing Act, which includes an audit of the Real Estate  
25 License Administration Fund, the Department ~~OBRE~~ shall make the  
26 audit open to inspection by any interested person.

1 (Source: P.A. 94-91, eff. 7-1-05.)

2 (225 ILCS 454/25-35)

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

4 Sec. 25-35. Real Estate Recovery Fund. A special fund to be  
5 known as the Real Estate Recovery Fund is created in the State  
6 Treasury. All fines and penalties ~~The sums~~ received by the  
7 Department ~~OBRE~~ pursuant to Article 20 ~~the provisions of~~  
8 ~~Sections 20-20, 20-30, and 20-80 through 20-100~~ of this Act  
9 shall be deposited into the State Treasury and held in the Real  
10 Estate Recovery Fund. The money in the Real Estate Recovery  
11 Fund shall be used by OBRE exclusively for carrying out the  
12 purposes established by this Act. If, at any time, the balance  
13 remaining in the Real Estate Recovery Fund is less than  
14 \$750,000, the State Treasurer shall cause a transfer of moneys  
15 to the Real Estate Recovery Fund from the Real Estate License  
16 Administration Fund in an amount necessary to establish a  
17 balance of \$800,000 in the Real Estate Recovery Fund. These  
18 funds may be invested and reinvested in the same manner as  
19 authorized for pension funds in Article 14 ~~14~~ of the Illinois  
20 Pension Code. All earnings, interest, and dividends received  
21 from investment of funds in the Real Estate Recovery Fund shall  
22 be deposited into the Real Estate License Administration Fund  
23 and shall be used for the same purposes as other moneys  
24 deposited in the Real Estate License Administration Fund.

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

1 (225 ILCS 454/25-37)

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

3 Sec. 25-37. Real Estate Audit Fund; audit of special  
4 accounts; audit of fund.

5 (a) A special fund to be known as the Real Estate Audit  
6 Fund is created in the State Treasury. ~~The State Treasurer~~  
7 ~~shall cause a transfer of \$200,000 from the Real Estate License~~  
8 ~~Administration Fund to the Real Estate Audit Fund on January 1,~~  
9 ~~2002.~~ If, at any time, the balance in the Real Estate Audit  
10 Fund is less than \$25,000, the State Treasurer shall cause a  
11 transfer of \$200,000 from the Real Estate License  
12 Administration Fund to the Real Estate Audit Fund. The moneys  
13 held in the Real Estate Audit Fund shall be used exclusively by  
14 the Department ~~OBRE~~ to conduct audits of special accounts of  
15 moneys belonging to others held by a broker.

16 (b) Upon receipt of a complaint or evidence by the  
17 Department ~~OBRE~~ sufficient to cause the Department ~~OBRE~~ to  
18 reasonably believe that funds required to be maintained in a  
19 special account by a broker have been misappropriated, the  
20 broker shall, within 30 days of written notice, submit to an  
21 audit of all special accounts. Such audit shall be performed by  
22 a licensed certified public accountant, shall result in a  
23 written report by the accountant, and shall specifically refer  
24 to the escrow and record-keeping requirements of this Act and  
25 the rules adopted under this Act. If it is found, pursuant to

1 an order issued by the Secretary ~~Commissioner~~, that moneys  
2 required to be maintained in a special account by a broker were  
3 misappropriated, as further defined by rule, the broker shall  
4 reimburse the Department ~~OBRE~~, in addition to any other  
5 discipline or civil penalty imposed, for the cost of the audit  
6 performed pursuant to this Section. The Department ~~OBRE~~ may  
7 file in circuit court for a judgment to enforce the collection  
8 of the reimbursement of the cost of such audit. Any  
9 reimbursement collected by the Department ~~OBRE~~ shall be  
10 deposited into the Real Estate Audit Fund.

11 (c) Moneys in the Real Estate Audit Fund may be invested  
12 and reinvested in the same manner as funds in the Real Estate  
13 Recovery Fund. All earnings received from such investment shall  
14 be deposited in the Real Estate Audit Fund and may be used for  
15 the same purpose as other moneys deposited in the Real Estate  
16 Audit Fund. Moneys in the Real Estate Audit Fund may be  
17 transferred to the Professions Indirect Cost Fund as authorized  
18 under Section 2105-300 of the Department of Professional  
19 Regulation Law of the Civil Administrative Code of Illinois.  
20 Upon completion of any audit of the Department ~~OBRE~~, prescribed  
21 by the Illinois State Auditing Act, which includes an audit of  
22 the Real Estate Audit Fund, the Department ~~OBRE~~ shall make the  
23 audit open to inspection by any interested person.

24 (Source: P.A. 94-91, eff. 7-1-05.)

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

2 Sec. 30-5. Licensing of pre-license schools, school  
3 branches, and instructors.

4 (a) No person shall operate a pre-license school or school  
5 branch without possessing a valid pre-license school or school  
6 branch license issued by the Department ~~OBRE~~. No person shall  
7 act as a pre-license instructor at a pre-license school or  
8 school branch without possessing a valid pre-license  
9 instructor license issued by the Department ~~OBRE~~. Every person  
10 who desires to obtain a pre-license school, school branch, or  
11 pre-license instructor license shall make application to the  
12 Department ~~OBRE~~ in writing in form and substance satisfactory  
13 to the Department ~~OBRE~~ and pay the required fees prescribed by  
14 rule. In addition to any other information required to be  
15 contained in the application, every application for an original  
16 or renewed license shall include the applicant's Social  
17 Security number. OBRE shall issue a pre-license school, school  
18 branch, or pre-license instructor license to applicants who  
19 meet qualification criteria established by rule. The  
20 Department ~~OBRE~~ may refuse to issue, suspend, revoke, or  
21 otherwise discipline a pre-license school, school branch, or  
22 pre-license instructor license or may withdraw approval of a  
23 course offered by a pre-license school for good cause.  
24 Disciplinary proceedings shall be conducted by the Board in the  
25 same manner as other disciplinary proceedings under this Act.

26 (b) All pre-license instructors must teach at least one

1 course within the period of licensure or take an instructor  
2 training program approved by the Department ~~OBRE~~ in lieu  
3 thereof. A pre-license instructor may teach at more than one  
4 licensed pre-license school.

5 (c) The term of license for pre-license schools, branches,  
6 and instructors shall be 2 years as established by rule.

7 (d) The Department ~~OBRE~~ or the Advisory Council may, after  
8 notice, cause a pre-license school to attend an informal  
9 conference before the Advisory Council for failure to comply  
10 with any requirement for licensure or for failure to comply  
11 with any provision of this Act or the rules for the  
12 administration of this Act. The Advisory Council shall make a  
13 recommendation to the Board as a result of its findings at the  
14 conclusion of any such informal conference.

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

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

19 (225 ILCS 454/30-10)

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

21 Sec. 30-10. Advisory Council; powers and duties. There is  
22 created within the Department ~~OBRE~~ an Advisory Council to be  
23 comprised of 5 ~~7~~ members appointed by the Governor. The  
24 members' terms shall be 4 years or until their successor is  
25 appointed and the expiration of their terms shall be staggered



1 ~~for 4 year staggered terms.~~ No member shall be reappointed to  
2 the Board for a term that would cause his or her service on the  
3 Board to be longer than 12 ~~serve more than 8~~ years in a  
4 lifetime. Two ~~Three~~ of the members shall be licensees who are  
5 current members of the Board, one member shall be a  
6 representative of an Illinois real estate trade organization  
7 who is not a member of the Board, one member shall be a  
8 representative of a licensed pre-license school or continuing  
9 education school, and one member shall be a representative of  
10 an institution of higher education that offers pre-license and  
11 continuing education courses. The Real Estate Coordinator  
12 ~~Director~~ shall serve as the chairman of the Advisory Council,  
13 ex officio, without vote. A majority of the Board members shall  
14 constitute a quorum. A vacancy in the membership of the Board  
15 shall not impair the right of a quorum to exercise all the  
16 rights and perform all the duties of the Board. The Advisory  
17 Council shall recommend criteria for the licensing and renewal  
18 of pre-license schools, pre-license instructors, continuing  
19 education schools, and continuing education instructors;  
20 review applications for these licenses to determine if the  
21 applicants meet the qualifications for licensure established  
22 in this Act and by rule; approve pre-license school and  
23 continuing education curricula; and make recommendations to  
24 the Board regarding rules to be adopted for the conduct of  
25 schools and instructors and the administration of the education  
26 provisions of this Act.

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

2 (225 ILCS 454/30-15)

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

4 Sec. 30-15. Licensing of continuing education schools;  
5 approval of courses.

6 (a) Only continuing education schools in possession of a  
7 valid continuing education school license may provide real  
8 estate continuing education courses that will satisfy the  
9 requirements of this Act. Pre-license schools licensed to offer  
10 pre-license education courses for salespersons, brokers and  
11 managing brokers shall qualify for a continuing education  
12 school license upon completion of an application and the  
13 submission of the required fee. Every entity that desires to  
14 obtain a continuing education school license shall make  
15 application to the Department ~~OBRE~~ in writing in forms  
16 prescribed by the Department ~~OBRE~~ and pay the fee prescribed by  
17 rule. In addition to any other information required to be  
18 contained in the application, every application for an original  
19 or renewed license shall include the applicant's Social  
20 Security number.

21 (b) The criteria for a continuing education license shall  
22 include the following:

23 (1) A sound financial base for establishing,  
24 promoting, and delivering the necessary courses. Budget  
25 planning for the School's courses should be clearly

1 projected.

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

4 (3) Adequate support personnel to assist with  
5 administrative matters and technical assistance.

6 (4) Maintenance and availability of records of  
7 participation for licensees.

8 (5) The ability to provide each participant who  
9 successfully completes an approved program with a  
10 certificate of completion signed by the administrator of a  
11 licensed continuing education school on forms provided by  
12 the Department ~~OBRE~~.

13 (6) The continuing education school must have a written  
14 policy dealing with procedures for the management of  
15 grievances and fee refunds.

16 (7) The continuing education school shall maintain  
17 lesson plans and examinations for each course.

18 (8) The continuing education school shall require a 70%  
19 passing grade for successful completion of any continuing  
20 education course.

21 (9) The continuing education school shall identify and  
22 use instructors who will teach in a planned program.  
23 Suggested criteria for instructor selections include:

24 (A) appropriate credentials;

25 (B) competence as a teacher;

26 (C) knowledge of content area; and

1 (D) qualification by experience.

2 (10) The continuing education school shall provide a  
3 proctor or an electronic means of proctoring for each  
4 examination. The continuing education school shall be  
5 responsible for the conduct of the proctor. The duties and  
6 responsibilities of a proctor shall be established by rule.

7 (11) The continuing education school must provide for  
8 closed book examinations for each course unless the  
9 Advisory Council excuses this requirement based on the  
10 complexity of the course material.

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

18 (d) The Department ~~OBRE~~ may or upon request of the Advisory  
19 Council shall, after notice, cause a continuing education  
20 school to attend an informal conference before the Advisory  
21 Council for failure to comply with any requirement for  
22 licensure or for failure to comply with any provision of this  
23 Act or the rules for the administration of this Act. The  
24 Advisory Council shall make a recommendation to the Board as a  
25 result of its findings at the conclusion of any such informal  
26 conference.

1 (e) All continuing education schools shall maintain these  
2 minimum criteria and pay the required fee in order to retain  
3 their continuing education school license.

4 (f) All continuing education schools shall submit, at the  
5 time of initial application and with each license renewal, a  
6 list of courses with course materials to be offered by the  
7 continuing education school. The Department ~~OBRE~~, however,  
8 shall establish a mechanism whereby continuing education  
9 schools may apply for and obtain approval for continuing  
10 education courses that are submitted after the time of initial  
11 application or renewal. The Department ~~OBRE~~ shall provide to  
12 each continuing education school a certificate for each  
13 approved continuing education course. All continuing education  
14 courses shall be valid for the period coinciding with the term  
15 of license of the continuing education school. All continuing  
16 education schools shall provide a copy of the certificate of  
17 the continuing education course within the course materials  
18 given to each student or shall display a copy of the  
19 certificate of the continuing education course in a conspicuous  
20 place at the location of the class.

21 (g) Each continuing education school shall provide to the  
22 Department ~~OBRE~~ a monthly report in a format determined by the  
23 Department ~~OBRE~~, with information concerning students who  
24 successfully completed all approved continuing education  
25 courses offered by the continuing education school for the  
26 prior month.

1 (h) The Department ~~OBRE~~, upon the recommendation of the  
2 Advisory Council, may temporarily suspend a licensed  
3 continuing education school's approved courses without hearing  
4 and refuse to accept successful completion of or participation  
5 in any of these continuing education courses for continuing  
6 education credit from that school upon the failure of that  
7 continuing education school to comply with the provisions of  
8 this Act or the rules for the administration of this Act, until  
9 such time as the Department ~~OBRE~~ receives satisfactory  
10 assurance of compliance. The Department ~~OBRE~~ shall notify the  
11 continuing education school of the noncompliance and may  
12 initiate disciplinary proceedings pursuant to this Act. The  
13 Department ~~OBRE~~ may refuse to issue, suspend, revoke, or  
14 otherwise discipline the license of a continuing education  
15 school or may withdraw approval of a continuing education  
16 course for good cause. Failure to comply with the requirements  
17 of this Section or any other requirements established by rule  
18 shall be deemed to be good cause. Disciplinary proceedings  
19 shall be conducted by the Board in the same manner as other  
20 disciplinary proceedings under this Act.

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

22 (225 ILCS 454/30-20)

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

24 Sec. 30-20. Fees for continuing education school license;  
25 renewal; term. All applications for a continuing education

1 school license shall be accompanied by a nonrefundable  
2 application fee in an amount established by rule. All  
3 continuing education schools shall be required to submit a  
4 renewal application, the required fee as established by rule,  
5 and a listing of the courses to be offered during the year to  
6 renew their continuing education school licenses. The term for  
7 a continuing education school license shall be 2 years and as  
8 established by rule. The fees collected under this Article 30  
9 shall be deposited in the Real Estate License Administration  
10 Fund and shall be used to defray the cost of administration of  
11 the program and per diem of the Advisory Council as determined  
12 by the Secretary Commissioner.

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

14 (225 ILCS 454/30-25)

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

16 Sec. 30-25. Licensing of continuing education instructors.

17 (a) No such person shall act as a continuing education  
18 instructor at a continuing education school or branch without  
19 possessing ~~Only persons approved by the Advisory Council and in~~  
20 ~~possession~~ of a valid continuing education instructor license  
21 and satisfying any other qualification criteria established by  
22 the Department by rule ~~issued by OBRE may instruct continuing~~  
23 ~~education courses.~~

24 (b) After the effective date of this Act, every person who  
25 desires to obtain a continuing education instructor's license

1 shall attend and successfully complete a one-day instructor  
2 development workshop, as approved by the Department. The term  
3 of licensure for a continuing education instructor shall be 2  
4 years and as established by rule. Every person who desires to  
5 obtain a continuing education instructor license shall make  
6 application to the Department ~~OBRE~~ in writing on forms  
7 prescribed by the Office, accompanied by the fee prescribed by  
8 rule. In addition to any other information required to be  
9 contained in the application, every application for an original  
10 or renewed license shall include the applicant's Social  
11 Security number. The Department ~~OBRE~~ shall issue a continuing  
12 education instructor license to applicants who meet  
13 qualification criteria established by this Act or rule.

14 (c) The Department ~~OBRE~~ may refuse to issue, suspend,  
15 revoke, or otherwise discipline a 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 ~~The term of a license for a~~  
19 ~~continuing education instructors instructor shall be 2 years~~  
20 ~~and as established by rule. All Continuing Education~~  
21 ~~Instructors~~ must teach at least one course within the period of  
22 licensure or take an instructor training program approved by  
23 the Department ~~OBRE~~ in lieu thereof.

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



1 (225 ILCS 454/5-55 rep.)

2 (225 ILCS 454/20-30 rep.)

3 (225 ILCS 454/20-35 rep.)

4 (225 ILCS 454/20-40 rep.)

5 (225 ILCS 454/20-45 rep.)

6 (225 ILCS 454/20-80 rep.)

7 (225 ILCS 454/20-120 rep.)

8 (225 ILCS 454/30-30 rep.)

9 Section 15. The Real Estate License Act of 2000 is amended  
10 by repealing Sections 5-30, 5-55, 20-30, 20-35, 20-40, 20-45,  
11 20-80, 20-120, and 30-30.

12 Section 99. Effective date. This Act takes effect December  
13 31, 2009.

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