

1 AN ACT concerning government.

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 Acts repealed on January 1, 2010 and December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9 (a) The following Acts are repealed on January 1, 2010: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21 (b) The following Act is repealed on December 31, 2010: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 Act repealed on January 1, 2020.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3 Act is repealed on January 1, 2020: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 Land Sales Registration Act of 1999.

5 Section 10. The Land Sales Registration Act of 1999 is
6 amended by changing Sections 1-10, 1-15, 5-5, 5-10, 5-15, 5-20,
7 5-25, 10-15, 10-20, 10-30, 15-5, 15-10, 15-15, 15-20, 15-25,
8 15-30, 15-35, 15-40, 15-45, 15-50, 15-55, 15-60, 15-65, 15-70,
9 15-75, 20-5, 20-10, 20-15, 20-20, and 20-25 and by adding
10 Sections 5-23 and 15-7 as follows:

11 (765 ILCS 86/1-10)

12 (Section scheduled to be repealed on January 1, 2010)

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

15 "Blanket encumbrance" means a trust deed, mortgage,
16 mechanics lien, or any other lien or financial encumbrance
17 securing or evidencing money debt and affecting land to be
18 subdivided or affecting more than one lot or parcel of
19 subdivided land; or an agreement affecting more than one such
20 lot or parcel by which the subdivider holds the subdivision
21 under an option, contract to purchase, or trust agreement.
22 Taxes and assessments levied by public authority are not an
23 encumbrance under this Act.

1 ~~"Commissioner" means the Commissioner of Banks and Real~~
2 ~~Estate or a natural person authorized by the Commissioner, the~~
3 ~~Office of Banks and Real Estate Act, or this Act to act in the~~
4 ~~Commissioner's stead.~~

5 "Common promotional plan" means a plan, undertaken by a
6 single developer or a group of developers acting in concert, to
7 offer lots for sale or lease. Where land is offered for sale by
8 a developer or group of developers acting in concert and the
9 land is contiguous or is known, designated, or advertised as a
10 common unit or by a common name, the land is presumed, without
11 regard to the number of lots covered by each individual
12 offering, to be offered for sale or lease as part of a common
13 promotional plan.

14 "Department" means the Illinois Department of Financial
15 and Professional Regulation.

16 "Offer" includes every inducement, solicitation, or
17 attempt to encourage a person to acquire an interest in a
18 subdivision or subdivided land, if undertaken for gain or
19 profit.

20 "Person" means an individual, corporation, government or
21 governmental subdivision or agency, business trust, estate,
22 trust, partnership, unincorporated association, 2 or more of
23 any of the foregoing having a joint or common interest, or any
24 other legal or commercial entity.

25 "Sale" includes a sale, lease, assignment, or award by
26 lottery, or any offer or solicitation of an offer to do any of

1 the foregoing, concerning a subdivision or any part of a
2 subdivision, if undertaken for gain or profit.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 "Subdivided land" and "subdivision" mean improved or
6 unimproved lands located outside the State of Illinois, divided
7 or proposed to be divided into 25 or more lots or parcels, and
8 also include any land, whether contiguous or not, if 25 or more
9 lots, parcels, units or interests are offered as a part of a
10 common promotional plan of advertising and sale.

11 (Source: P.A. 91-338, eff. 12-30-99.)

12 (765 ILCS 86/1-15)

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

14 Sec. 1-15. Powers and duties of the Department ~~Office of~~
15 ~~Banks and Real Estate~~. The Department ~~Office of Banks and Real~~
16 ~~Estate~~ shall exercise the powers and duties established by this
17 Act. The Secretary ~~Commissioner~~ may adopt rules consistent with
18 the provisions of this Act for its administration and
19 enforcement and may prescribe forms that shall be issued in
20 connection with this Act. The Department ~~Office of Banks and~~
21 ~~Real Estate~~ shall issue a certificate of registration to any
22 person who meets the qualifications set forth in this Act.

23 (Source: P.A. 91-338, eff. 12-30-99.)

24 (765 ILCS 86/5-5)

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

2 Sec. 5-5. Registration requirement; exemptions. It is
3 unlawful for any person to engage in the business of selling
4 land that is located outside the State of Illinois to any
5 individual located in Illinois without a certificate of
6 registration issued by the Department ~~Office of Banks and Real~~
7 ~~Estate~~ pursuant to this Act. Unless the method of sale is
8 adopted for the purpose of evasion of this Act, the provisions
9 of this Act do not apply to an offer or disposition of an
10 interest in land:

11 (1) by a purchaser of subdivided lands for the
12 purchaser's own account in a single or isolated
13 transaction;

14 (2) if fewer than 25 separate lots, parcels, units or
15 interests in subdivided lands are offered by a person;

16 (3) on which there is a commercial or industrial
17 building, shopping center, house, apartment house,
18 condominium structure, or town house, or as to which there
19 is a legal obligation on the part of the seller to
20 construct such a building within 2 years from the date of
21 disposition;

22 (4) that is sold for industrial, commercial, or
23 institutional purposes;

24 (5) that consists of cemetery lots or interests;

25 (6) that consists of a subdivision as to which the plan
26 of sale is to dispose of it to 10 or fewer persons; or

1 (7) in lots or parcels of 20 or more acres,
2 unconditionally, or of 10 or more acres if there is free
3 and ready access leading to county-maintained roads.

4 (Source: P.A. 91-338, eff. 12-30-99.)

5 (765 ILCS 86/5-10)

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

7 Sec. 5-10. Application for registration.

8 (a) Before subdivided lands are offered for sale, the
9 subdivider or the subdivider's agent shall file with the
10 ~~Department Office of Banks and Real Estate~~ an application on
11 forms supplied by the ~~Department Office of Banks and Real~~
12 ~~Estate~~. A registration fee shall accompany the application. The
13 application shall contain all of the following information:

14 (1) The name and address of the fee title owner of the
15 subdivided lands.

16 (2) The name and address of the subdivider.

17 (3) The name and address of an agent of the subdivider
18 in Illinois authorized to accept service of process on
19 behalf of the subdivider.

20 (4) The legal description and acreage of the lands,
21 together with a map showing the layout as recorded or
22 proposed and the relation of the lands to existing streets
23 or roads, waterways, schools, churches, shopping centers,
24 and local bus and rail transportation, with a statement of
25 distances to each.

1 (5) A true statement as to title to the subdivided
2 land, including all financial encumbrances and unpaid
3 taxes thereon.

4 (6) If subject property is in a land trust, a true
5 statement of the names and addresses of all parties with a
6 beneficial interest in the trust.

7 (7) A true statement of the terms and conditions by
8 which it is intended the subdivided land will be sold,
9 together with copies of any and all forms of contract or
10 conveyance intended to be used. If a language other than
11 English was used in advertising the property or during the
12 sales presentation, translations, in that language, of the
13 Illinois Public Property Report, any contract or lien, and
14 any note shall be provided to the purchaser before the
15 purchaser executes the contract. A receipt for these
16 translations shall be obtained and a copy of the receipt
17 shall be kept ~~available in this State~~ and subject to
18 inspection by the Department ~~Office of Banks and Real~~
19 ~~Estate~~ for 3 years from the date of the receipt.

20 (8) A true statement of provision for sewage disposal
21 and public utilities, if any, in the proposed or existing
22 subdivision, including water, electricity, gas, and
23 telephone facilities.

24 (9) A correct reference to applicable zoning
25 ordinances and regulations.

26 (10) Certified financial statements of the subdivider.

1 (11) A proposed public property report, suitable for
2 distribution to any proposed purchaser if a certificate of
3 registration is issued, which shall contain the following
4 information:

5 (A) the name and principal address of the
6 subdivider;

7 (B) a general description of the subdivided lands,
8 stating the total number of lots, parcels, units, or
9 interests in the offering;

10 (C) the significant terms of any encumbrances,
11 easements, liens, and restrictions, including zoning
12 and other regulations affecting the subdivided lands
13 and each lot or unit, and a statement of all existing
14 taxes and existing or proposed special taxes or
15 assessments that affect the subdivided lands;

16 (D) a statement of the use for which the property
17 is offered;

18 (E) information concerning improvements, including
19 streets, water supply, levees, drainage control
20 systems, irrigation systems, sewage disposal
21 facilities, and customary utilities, and the estimated
22 costs, date of completion, and responsibility for
23 construction and maintenance of existing and proposed
24 improvements that are referred to in connection with
25 the offering or disposition of any interest in
26 subdivided lands;

1 (F) a statement that certified financial
2 statements are available upon request; and

3 (G) such additional information consistent with
4 this Act which may be required by the Department ~~Office~~
5 ~~of Banks and Real Estate~~ to assure full and fair
6 disclosure to prospective purchasers.

7 (b) The subdivider shall report all material changes with
8 respect to subdivided lands registered for sale under this Act,
9 and the Department ~~Office of Banks and Real Estate~~ may require
10 that the public property report be amended to reflect such
11 material change. In the event the subdivider wishes to update
12 the public property report, the subdivider may do so upon
13 proper application to the Department ~~Office of Banks and Real~~
14 ~~Estate~~.

15 (c) If the subdivider registers additional subdivided
16 lands to be offered for sale, the subdivider may consolidate
17 the subsequent registration with any earlier registration
18 offering subdivided lands for sale under the same promotional
19 plan, and the public property report shall be amended to
20 include the additional subdivided lands so registered.

21 (d) The Department ~~Office of Banks and Real Estate~~ shall,
22 at the time the application is submitted or from time to time
23 thereafter, require the subdivider to furnish financial
24 assurances, in the form of a performance bond, a surety bond,
25 or an irrevocable letter of credit in the amount and subject to
26 terms and requirements approved by the Department ~~Office of~~

1 ~~Banks and Real Estate~~, for the purpose of protecting purchasers
2 of lots in the subdivision to ensure that the improvements will
3 be constructed and maintained in the manner represented by the
4 subdivider. The Department ~~Office of Banks and Real Estate~~ may
5 accept evidence that such assurances have been furnished to a
6 foreign state, or a county or municipality within such state,
7 in fulfillment of this requirement.

8 (Source: P.A. 91-338, eff. 12-30-99.)

9 (765 ILCS 86/5-15)

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

11 Sec. 5-15. Issuance ~~Notice of filing; issuance~~ of
12 certificate; exemption; renewal.

13 (a) The Department ~~Upon receipt of the application for~~
14 ~~registration in proper form, the Office of Banks and Real~~
15 ~~Estate shall issue a notice of filing to the applicant. Within~~
16 ~~60 days from the date of the notice of filing, the Office of~~
17 ~~Banks and Real Estate shall enter an order registering the~~
18 ~~subdivided lands or rejecting the registration. If no order of~~
19 ~~rejection is entered within 60 days from the date of receipt~~
20 ~~notice of filing, the land shall be deemed registered unless~~
21 the applicant has consented in writing to a delay.

22 (b) If the Department ~~Office of Banks and Real Estate~~
23 affirmatively determines, upon inquiry and examination, that
24 the requirements of this Act have been met, it shall issue a
25 certificate of registration ~~registering the subdivided lands~~

1 and shall approve the form of the public property report.

2 (b-5) If the Department affirmatively determines, upon
3 inquiry and examination, that the exemption requirements of
4 this Act have been met, it shall issue a written approval.

5 (c) If the Department ~~Office of Banks and Real Estate~~
6 determines, upon inquiry and examination, that any of the
7 requirements of this Act have not been met, it shall notify the
8 applicant that the application for registration or exemption
9 must be corrected in the particulars specified within 15 days.
10 If the requirements are not met within the time allowed, the
11 Department ~~Office of Banks and Real Estate~~ shall enter an order
12 rejecting the registration or exemption, which shall include
13 the findings of fact upon which the order is based. The order
14 rejecting the registration shall not become effective for 20
15 days, during which time the applicant may petition for
16 reconsideration and shall be entitled to a hearing.

17 (d) The Department ~~Office of Banks and Real Estate~~ may
18 adopt rules authorizing the subdivider or the subdivider's
19 agent to file an abbreviated application ~~, as the subdivider's~~
20 ~~application for a certificate of registration in lieu of some~~
21 ~~or all of the requirements of Section 5-10, (i) a copy of the~~
22 ~~statement of record filed with respect to the subdivision~~
23 ~~pursuant to the Federal Interstate Land Sales Full Disclosure~~
24 ~~Act if the statement complies with the requirements of that Act~~
25 ~~and the regulations pertinent to that Act or (ii) an acceptable~~
26 ~~certificate of registration from another jurisdiction in which~~

1 ~~the requirements for registration are substantially the same or~~
2 ~~exceed those provided in this Act.~~ Notwithstanding the
3 requirements of Section 5-10, the Department ~~Office of Banks~~
4 ~~and Real Estate~~ may suspend or revoke any registration under
5 this Section that includes any registration, property report,
6 or similar disclosure documents accepted under this subsection
7 if the registration, property report, or similar disclosure is
8 suspended or revoked by the registering state or by the federal
9 government.

10 (e) A certificate of registration issued under this Section
11 shall expire on June 30 following the date of issuance. In the
12 absence of any reason or condition under Section 15-5 ~~10-35~~
13 that might warrant the suspension or revocation of a
14 registration, a certificate shall be renewed upon payment of
15 the required fee and submission of documentation as provided by
16 rule. An exemption issued under this Section shall not expire
17 or renew. The applicant must notify the Department of any
18 change in the status of the subdivision under which the
19 exemption was approved.

20 (Source: P.A. 91-338, eff. 12-30-99.)

21 (765 ILCS 86/5-20)

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

23 Sec. 5-20. Fees.

24 (a) The Department ~~Office of Banks and Real Estate~~ shall
25 provide, by rule, for fees to be paid by applicants and

1 registrants to cover the reasonable costs of the Department
2 ~~Office of Banks and Real Estate~~ in administering and enforcing
3 the provisions of this Act. The Department ~~Office of Banks and~~
4 ~~Real Estate~~ may also provide, by rule, for general fees to
5 cover the reasonable expenses of carrying out other functions
6 and responsibilities under this Act.

7 (b) All fees collected under this Act shall be paid into
8 the Real Estate License Administration Fund in the State
9 treasury and appropriated to the Department ~~Office of Banks and~~
10 ~~Real Estate~~ for administration of this Act or any other Act
11 administered by the Department ~~Office of Banks and Real Estate~~
12 and providing revenue to this fund.

13 (c) (Blank). ~~Any person who delivers a check or other~~
14 ~~payment to the Office of Banks and Real Estate that is returned~~
15 ~~to the Office of Banks and Real Estate unpaid by the financial~~
16 ~~institution upon which it is drawn shall pay to the Office of~~
17 ~~Banks and Real Estate, in addition to the amount already owed~~
18 ~~to the Office of Banks and Real Estate, a fee of \$50.~~

19 (d) (Blank). ~~The fees imposed by this Section are in~~
20 ~~addition to any other disciplinary action provided under this~~
21 ~~Act for unlicensed practice or practice on a non-renewed~~
22 ~~license.~~

23 (e) (Blank). ~~The Office of Banks and Real Estate shall~~
24 ~~notify the person that payment of fees and fines shall be paid~~
25 ~~to the Office of Banks and Real Estate by certified check or~~
26 ~~money order within 30 calendar days of the notification. If,~~

1 ~~after the expiration of 30 days from the date of the~~
2 ~~notification, the person has failed to submit the necessary~~
3 ~~remittance, the Office of Banks and Real Estate shall~~
4 ~~automatically terminate the certificate of registration or~~
5 ~~deny the application, without hearing. If, after termination or~~
6 ~~denial, the person seeks a certificate of registration, he or~~
7 ~~she shall apply to the Office of Banks and Real Estate for~~
8 ~~restoration or issuance of the certificate of registration and~~
9 ~~pay all fees due the Office of Banks and Real Estate. The~~
10 ~~Commissioner may waive the fees due under this Section in~~
11 ~~individual cases where the Commissioner finds that the fees~~
12 ~~would be unreasonable or unnecessarily burdensome.~~

13 (Source: P.A. 91-338, eff. 12-30-99.)

14 (765 ILCS 86/5-23 new)

15 Sec. 5-23. Returned checks; fines. Any person who delivers
16 a check or other payment to the Department that is returned to
17 the Department unpaid by the financial institution upon which
18 it is drawn shall pay to the Department, in addition to the
19 amount already owed to the Department, a fine of \$50. The fines
20 imposed by this Section are in addition to any other discipline
21 provided under this Act for unregistered practice or practice
22 on a nonrenewed registration. The Department shall notify the
23 person that payment of fees and fines shall be paid to the
24 Department by certified check or money order within 30 calendar
25 days of the notification. If, after the expiration of 30 days

1 from the date of the notification, the person has failed to
2 submit the necessary remittance, the Department shall
3 automatically terminate the registration or deny the
4 application, without hearing. If, after termination or denial,
5 the person seeks a registration, he or she shall apply to the
6 Department for restoration or issuance of the registration and
7 pay all fees and fines due to the Department. The Department
8 may establish a fee for the processing of an application for
9 restoration of a registration to pay all expenses of processing
10 this application. The Secretary may waive the fines due under
11 this Section in individual cases where the Secretary finds that
12 the fines would be unreasonable or unnecessarily burdensome.

13 (765 ILCS 86/5-25)

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

15 Sec. 5-25. Public property report. When a certificate of
16 registration is granted by the Department ~~Office of Banks and~~
17 ~~Real Estate~~, a copy of the public property report shall be
18 given by the owner, subdivider, or agent to each prospective
19 purchaser prior to the execution of any binding contract or
20 agreement for the sale of any lot or parcel in a subdivision. A
21 receipt, in duplicate, shall be taken from each purchaser to
22 evidence compliance with this Section. Receipts taken for any
23 published report shall be kept on file in possession of the
24 owner, subdivider, or agent, subject to inspection by the
25 Department ~~Office of Banks and Real Estate~~ for 3 years from the

1 date the receipt is taken. The report shall not be used for
2 advertising purposes unless the report is used in its entirety.
3 No portion of the report shall be underscored, italicized, or
4 printed in larger or heavier type than any other portion of the
5 report, unless required by this Act. The report shall contain
6 the following statement:

7 If you received this report prior to signing a contract
8 or agreement, you may cancel your contract or agreement by
9 giving notice to the seller any time before midnight of the
10 seventh day following the signing of the contract or
11 agreement.

12 If you did not receive this report before you signed a
13 contract or agreement, you may cancel the contract or
14 agreement any time within 2 years from the date of signing.
15 (Source: P.A. 91-338, eff. 12-30-99.)

16 (765 ILCS 86/10-15)

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

18 Sec. 10-15. Copies of instruments. A copy of the
19 instruments executed in connection with the sale of parcels
20 within a subdivision shall be kept ~~available in this State~~ and
21 subject to inspection by the Department ~~Office of Banks and~~
22 ~~Real Estate~~. The Department ~~Office of Banks and Real Estate~~
23 shall be notified of any change of address affecting the
24 location of the owner's, subdivider's, or agent's records, or
25 of any change in the depository for purchasers' payments under

1 this Act.

2 (Source: P.A. 91-338, eff. 12-30-99.)

3 (765 ILCS 86/10-20)

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

5 Sec. 10-20. Sale of encumbered lots prohibited;
6 exceptions. It is unlawful for the owner or subdivider to sell
7 lots or parcels within a subdivision subject to a blanket
8 encumbrance unless one of the following conditions is met:

9 (1) All sums paid or advanced by a purchaser are placed
10 in an escrow or other depository account acceptable to the
11 Department ~~Office of Banks and Real Estate~~ until (i) the
12 fee title contracted for is delivered to the purchaser by
13 deed together with complete release from all financial
14 encumbrances; (ii) the owner, subdivider, or purchaser
15 defaults and fails to perform under the contract of sale
16 and there is final determination as to the disposition of
17 such moneys; or (iii) the funds in the escrow or other
18 account are voluntarily returned to the contract
19 purchaser.

20 (2) The fee title to the subdivision is placed in trust
21 under an agreement or trust acceptable to the Department
22 ~~Office of Banks and Real Estate~~ until a proper release from
23 each blanket encumbrance, including all taxes, is obtained
24 and title is delivered to the purchaser.

25 (3) A bond to the State of Illinois is furnished to the

1 ~~Department Office of Banks and Real Estate~~ for the benefit
2 and protection of purchasers of such lots or parcels, in
3 the amount and subject to terms approved by the Department
4 ~~Office of Banks and Real Estate~~. The bond shall be executed
5 by a surety company that is authorized to do business in
6 the State of Illinois and has given consent to be sued in
7 this State. The bond shall provide for the return of moneys
8 paid or advanced by a purchaser if (i) the title contracted
9 for is not delivered and (ii) a full release from each
10 blanket encumbrance is not obtained. If it is determined
11 that the purchaser, by reason of default or otherwise, is
12 not entitled to the return of those moneys, or any portion
13 of those moneys, then the bond is released by the amount of
14 moneys to which the purchaser of parcel is not entitled.

15 (4) The blanket encumbrance contains provisions
16 evidencing the subordination of the lien of the holder of
17 the blanket encumbrance to the rights of those persons
18 purchasing from the subdivider, and further evidencing
19 that the subdivider is able to secure releases from such
20 blanket encumbrances with respect to the property.

21 (Source: P.A. 91-338, eff. 12-30-99.)

22 (765 ILCS 86/10-30)

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

24 Sec. 10-30. Failure to pay registration, ~~and~~ inspection, or
25 renewal fees; civil penalty. Any owner, subdivider, or agent

1 who fails to pay the registration, inspection, or renewal fees
2 when due shall be assessed a late fee or civil penalty ~~of \$100~~
3 ~~per day for each day past the due date that the fee is not paid.~~
4 Practice by a registrant while in a non-renewed status
5 constitutes unregistered practice. Any penalties collected
6 under this Act shall be deposited into the Real Estate License
7 Administration Fund.

8 (Source: P.A. 91-338, eff. 12-30-99.)

9 (765 ILCS 86/15-5)

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

11 Sec. 15-5. Disciplinary action; civil penalty.

12 (a) The Department may refuse to issue or renew, or may
13 revoke, suspend, place on probation, reprimand, or take other
14 disciplinary or non-disciplinary action as the Department may
15 deem appropriate, including imposing fines not to exceed
16 \$25,000 for each violation, with regard to any registration for
17 any one or combination of the following: ~~Office of Banks and~~
18 ~~Real Estate may refuse to issue or renew any certificate of~~
19 ~~registration, or revoke or suspend any certificate of~~
20 ~~registration, or place on probation or administrative~~
21 ~~supervision or reprimand a registrant registered under this~~
22 ~~Act, or impose a civil penalty not to exceed \$25,000, for any~~
23 ~~one or any combination of the following causes:~~

24 (1) Violations of this Act, or of the rules promulgated
25 under this Act. ~~A registrant's disregard or violation of~~

1 ~~any provision of this Act or of the rules adopted by the~~
2 ~~Office of Banks and Real Estate to enforce this Act.~~

3 (2) (Blank). ~~A conviction of the registrant or any~~
4 ~~principal of the registrant of (i) a felony under the laws~~
5 ~~of any U.S. jurisdiction, (ii) a misdemeanor under the laws~~
6 ~~of any U.S. jurisdiction if an essential element of the~~
7 ~~offense is dishonesty, or (iii) a crime under the laws of~~
8 ~~any U.S. jurisdiction if the crime relates directly to the~~
9 ~~practice of the profession regulated by this Act.~~

10 (3) A registrant's making any misrepresentation for
11 the purpose of obtaining an exemption or certificate of
12 registration ~~a registration or certificate.~~

13 (4) Disciplinary action against a registrant by
14 another U.S. jurisdiction, state agency, or foreign nation
15 regarding the making of land sales regulated by this Act,
16 if at least one of the grounds for the discipline is the
17 same as or substantially equivalent to one of those set
18 forth in this Act.

19 (5) A finding by the Department ~~Office of Banks and~~
20 ~~Real Estate~~ that the registrant, after having his or her
21 registration placed on probationary status, has violated
22 the terms of probation.

23 (6) A registrant's practicing or attempting to
24 practice under a name other than the name as shown on his
25 or her registration or any other legally authorized name.

26 (7) (Blank). ~~A registrant's failure to file a return,~~

1 ~~or to pay the tax, penalty, or interest shown in a filed~~
2 ~~return, or to pay any final assessment of tax, penalty, or~~
3 ~~interest, as required by any tax Act administered by the~~
4 ~~Illinois Department of Revenue, until the requirements of~~
5 ~~any such tax Act are satisfied.~~

6 (8) A registrant's engaging in dishonorable,
7 unethical, or unprofessional conduct of a character likely
8 to deceive, defraud, or harm the public.

9 (9) A registrant's aiding or abetting another person or
10 persons in disregarding or violating any provision of this
11 Act or of the rules adopted by the Department Office of
12 ~~Banks and Real Estate~~ to enforce this Act.

13 (10) Any representation in any document or information
14 filed with the Department Office of Banks and Real Estate
15 which is false or misleading.

16 (11) A registrant's disseminating or causing to be
17 disseminated any false or misleading promotional materials
18 or advertisements in connection with a registered
19 subdivision.

20 (12) A registrant's concealing, diverting, or
21 disposing of any funds or assets of any person in a manner
22 that impairs the rights of purchasers of lots within a
23 registered subdivision.

24 (13) A registrant's failure to perform any stipulation
25 or agreement made to induce the Department Office of Banks
26 ~~and Real Estate~~ to issue an order relating to the

1 registered subdivision.

2 (14) A registrant's engaging in any act that
3 constitutes a violation of Section 3-102, 3-103, 3-104, or
4 3-105 of the Illinois Human Rights Act.

5 (15) A registrant's failure to provide information
6 requested in writing by the Department ~~Office of Banks and~~
7 ~~Real Estate~~, within 30 days of the request, ~~either as the~~
8 ~~result of a formal or informal complaint to the Office of~~
9 ~~Banks and Real Estate or as a result of a random audit~~
10 ~~conducted by the Office of Banks and Real Estate, which~~
11 ~~would indicate a violation of this Act.~~

12 (16) A registrant's failure to account for or remit any
13 escrow funds coming into his or her possession which
14 belonged to others.

15 (17) A registrant's failure to make available to
16 Department ~~Office of Banks and Real Estate~~ personnel during
17 normal business hours all escrow records and related
18 documents maintained in connection therewith, within 24
19 hours of a request from Department ~~Office of Banks and Real~~
20 ~~Estate~~ personnel.

21 (18) A registrant's failure to comply with any
22 provision of this Act or the rules implementing this Act,
23 or any order made by the Department ~~Office of Banks and~~
24 ~~Real Estate~~.

25 (19) A person's offering for sale, as an agent,
26 salesman, or broker for a subdivider, developer, or owner,

1 subdivided lands or a subdivision, wherever situated,
2 without first complying with this Act.

3 (20) A registrant's failure to provide to the purchaser
4 a translation of the Illinois Public Property Report or any
5 contract, lien, or note as required by this Act.

6 (21) A registrant's advertising for sale in this State
7 any parcel in a subdivision, or in any other manner
8 assisting an owner, subdivider, or developer of a
9 subdivision who has not complied with this Act to offer
10 subdivided land within this State.

11 (22) A registrant's making any material change in the
12 plan of disposition and development of the subdivision or
13 subdivided lands subsequent to receiving a certificate of
14 registration, without obtaining written approval of an
15 amendment to the registration.

16 (23) A registrant's encumbering a lot or parcel, or
17 allowing a lot or parcel to be encumbered, after a contract
18 for its sale has been signed by the parties to the
19 contract.

20 (b) (Blank). ~~A civil penalty imposed under subsection (a)~~
21 ~~shall be paid within 60 days after the effective date of the~~
22 ~~order imposing the civil penalty. The order shall constitute a~~
23 ~~judgment and may be filed and execution had thereon in the same~~
24 ~~manner as any judgment from any court of record.~~

25 (c) Violation of tax Acts. The Department may refuse to
26 issue or renew or may suspend the registration of any person

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

8 (Source: P.A. 91-338, eff. 12-30-99.)

9 (765 ILCS 86/15-7 new)

10 Sec. 15-7. Civil penalties.

11 (a) In addition to any other penalty provided by law, any
12 person who violates this Act shall forfeit and pay a civil
13 penalty to the Department in an amount not to exceed \$25,000
14 for each violation as determined by the Department. The civil
15 penalty shall be assessed by the Department in accordance with
16 the provisions of this Act.

17 (b) The Department has the authority and power to
18 investigate any and all unregistered activity.

19 (c) The civil penalty shall be paid within 60 days after
20 the effective date of the order imposing the civil penalty. The
21 order shall constitute a judgment and may be filed and
22 execution had thereon in the same manner as any judgment from
23 any court of record.

24 (d) All moneys collected under this Section shall be
25 deposited into the Real Estate License Administration Fund.

1 (765 ILCS 86/15-10)

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

3 Sec. 15-10. Investigation. The Department ~~Office of Banks~~
4 ~~and Real Estate~~ may investigate the actions or qualifications
5 of any person or persons holding or claiming to hold a
6 certificate of registration under this Act. Such a person is
7 referred to as "the respondent" in this Article.

8 (Source: P.A. 91-338, eff. 12-30-99.)

9 (765 ILCS 86/15-15)

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

11 Sec. 15-15. Disciplinary hearings; record; appointment of
12 administrative law judge.

13 (a) The Department ~~Office of Banks and Real Estate~~ has the
14 authority to conduct hearings before an administrative law
15 judge on proceedings to revoke, suspend, or refuse to issue or
16 renew a certificate of registration issued under this Act, or
17 to place on probation or administrative supervision or
18 reprimand a registrant registered under this Act, or to impose
19 a civil penalty not to exceed \$25,000 upon any registrant
20 registered under this Act.

21 (b) The Department ~~Office of Banks and Real Estate~~, at its
22 expense, shall preserve a record of all proceedings at the
23 formal hearing of any case involving the refusal to issue or
24 the revocation or suspension of a certificate of registration

1 issued under this Act or involving other discipline of a
2 registrant registered under this Act. The notice of hearing,
3 complaint, and all other documents in the nature of pleadings
4 and written motions filed in the proceedings, the transcript of
5 testimony, the report of the administrative law judge, and the
6 orders of the Department ~~Office of Banks and Real Estate~~ shall
7 be the record of proceeding. At all hearings ~~or prehearing~~
8 ~~conferences~~, the Department ~~Office of Banks and Real Estate~~ and
9 the respondent shall be entitled to have a court reporter in
10 attendance for purposes of transcribing the proceeding or
11 prehearing conference.

12 (c) The Secretary ~~Commissioner~~ has the authority to appoint
13 any attorney duly licensed to practice law in the State of
14 Illinois to serve as an administrative law judge in any action
15 for refusal to issue or renew a certificate of registration or
16 to discipline a registrant or person holding a certificate of
17 registration. The administrative law judge has full authority
18 to conduct the hearing. The administrative law judge shall
19 report his or her findings and recommendations to the Secretary
20 ~~Commissioner~~. If the Secretary ~~Commissioner~~ disagrees with the
21 recommendation of the administrative law judge, the Secretary
22 ~~Commissioner~~ may issue an order in contravention of the
23 recommendation.

24 (Source: P.A. 91-338, eff. 12-30-99.)

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

2 Sec. 15-20. Investigations; notice and hearing. ~~Notice of~~
3 ~~proposed disciplinary action; hearing.~~ The Department may
4 investigate the actions of any applicant or of any person or
5 persons rendering or offering to render land sales services or
6 any person holding or claiming to hold a certificate of
7 registration as a registered land sales developer or
8 subdivision. The Department shall, before revoking,
9 suspending, placing on probation, reprimanding, or taking any
10 other disciplinary action under Section 80 of this Act, at
11 least 30 days before the date set for the hearing: (i) notify
12 the accused in writing of the charges made and the time and
13 place for the hearing on the charges, (ii) direct him or her to
14 file a written answer to the charges with the Department under
15 oath within 20 days after the service on him or her of the
16 notice, and (iii) inform the accused that, if he or she fails
17 to answer, default will be taken against him or her or that his
18 or her registration may be suspended, revoked, placed on
19 probationary status, or other disciplinary action taken with
20 regard to the registration, including limiting the scope,
21 nature, or extent of his or her practice, as the Department may
22 consider proper. At the time and place fixed in the notice, the
23 Department shall proceed to hear the charges and the parties or
24 their counsel shall be accorded ample opportunity to present
25 any pertinent statements, testimony, evidence, and arguments.
26 The Department may continue the hearing from time to time. In

1 case the person, after receiving the notice, fails to file an
2 answer, his or her registration may, in the discretion of the
3 Department, be suspended, revoked, placed on probationary
4 status, or the Department may take whatever disciplinary action
5 considered proper, including limiting the scope, nature, or
6 extent of the person's practice or the imposition of a fine,
7 without a hearing, if the act or acts charged constitute
8 sufficient grounds for that action under this Act. The written
9 notice may be served by personal delivery or by certified mail
10 to the address specified by the accused in his or her last
11 notification with the Department.

12 ~~(a) Before taking any disciplinary action with regard to~~
13 ~~any registrant, the Office of Banks and Real Estate shall:~~

14 ~~(1) notify the respondent in writing, at least 30~~
15 ~~calendar days prior to the date set for the hearing, of any~~
16 ~~charges made, the time and place for the hearing of the~~
17 ~~charges, and that testimony at the hearing will be heard~~
18 ~~under oath; and~~

19 ~~(2) inform the respondent that upon failure to file an~~
20 ~~answer and request a hearing before the date originally set~~
21 ~~for the hearing, default will be taken against the~~
22 ~~respondent and the respondent's certificate of~~
23 ~~registration may be suspended or revoked, or other~~
24 ~~disciplinary action may be taken against the respondent, as~~
25 ~~the Office of Banks and Real Estate may deem proper.~~

26 ~~(b) If the respondent fails to file an answer after~~

1 ~~receiving notice, the respondent's certificate of registration~~
2 ~~may, in the discretion of the Office of Banks and Real Estate,~~
3 ~~be revoked or suspended, or other disciplinary action may be~~
4 ~~taken against the respondent, as deemed proper, without a~~
5 ~~hearing, if the act or acts charged constitute sufficient~~
6 ~~grounds for that action under this Act.~~

7 ~~(c) At the time and place fixed in the notice, the Office~~
8 ~~of Banks and Real Estate shall proceed to hearing of the~~
9 ~~charges. Both the respondent and the complainant shall be~~
10 ~~accorded ample opportunity to present in person, or by counsel,~~
11 ~~statements, testimony, evidence, and argument that may be~~
12 ~~pertinent to the charges or any defense to the charges.~~

13 (Source: P.A. 91-338, eff. 12-30-99.)

14 (765 ILCS 86/15-25)

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

16 Sec. 15-25. Subpoenas; attendance of witnesses; oaths.

17 (a) The Department ~~Office of Banks and Real Estate~~ has the
18 power to issue subpoenas ad testificandum and to bring before
19 it any persons, and to take testimony either orally or by
20 deposition, or both, with the same fees and mileage and in the
21 same manner as prescribed in civil cases in the courts of this
22 State. The Department ~~Office of Banks and Real Estate~~ has the
23 power to issue subpoenas duces tecum and to bring before it any
24 documents, papers, files, books, and records, with the same
25 costs and in the same manner as prescribed in civil cases in

1 the courts of this State.

2 (b) Upon application of the Department ~~Office of Banks and~~
3 ~~Real Estate~~ or its designee or of the applicant, registrant, or
4 person holding a certificate of registration against whom
5 proceedings under this Act are pending, any circuit court may
6 enter an order compelling the enforcement of any subpoena
7 issued by the Department ~~Office of Banks and Real Estate~~ in
8 connection with any hearing or investigation.

9 (c) The Secretary ~~Commissioner~~ and the designated
10 administrative law judge have power to administer oaths to
11 witnesses at any hearing that the Department ~~Office of Banks~~
12 ~~and Real Estate~~ is authorized to conduct under this Act.

13 (Source: P.A. 91-338, eff. 12-30-99.)

14 (765 ILCS 86/15-30)

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

16 Sec. 15-30. Administrative law judge's findings of fact,
17 conclusions of law, and recommendations. At the conclusion of
18 the hearing, the administrative law judge shall present to the
19 Secretary ~~Commissioner~~ a written report of the administrative
20 law judge's findings of fact, conclusions of law, and
21 recommendations regarding discipline or a civil penalty. The
22 report shall contain a finding of whether or not the respondent
23 violated this Act or failed to comply with the conditions
24 required in this Act. The administrative law judge shall
25 specify the nature of the violation or failure to comply. If

1 the Secretary ~~Commissioner~~ disagrees in any regard with the
2 report of the administrative law judge, the Secretary
3 ~~Commissioner~~ may issue an order in contravention of the report.
4 ~~The Commissioner shall provide a written report to the~~
5 ~~administrative law judge on any deviation and shall specify~~
6 ~~with particularity the reasons for that action in the final~~
7 ~~order.~~

8 (Source: P.A. 91-338, eff. 12-30-99.)

9 (765 ILCS 86/15-35)

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

11 Sec. 15-35. Rehearing. After any hearing involving
12 disciplinary action against a registrant, a copy of the
13 administrative law judge's report shall be served on the
14 respondent by the Department ~~Office of Banks and Real Estate~~,
15 either personally or as provided in this Act for the service of
16 the notice of hearing. Within 20 calendar days after the
17 service, the respondent may present to the Department ~~Office of~~
18 ~~Banks and Real Estate~~ a motion in writing for a rehearing. The
19 motion shall specify the particular grounds for rehearing. If
20 the respondent orders a transcript of the record from the
21 reporting service and pays for it within the time for filing a
22 motion for rehearing, the 20 calendar day period within which a
23 motion for rehearing may be filed shall commence upon the
24 delivery of the transcript to the respondent.

25 If no motion for rehearing is filed, then upon the

1 expiration of the time specified for filing a motion, or if a
2 motion for rehearing is denied, then upon denial, the Secretary
3 ~~Commissioner~~ may enter an order in accordance with the
4 recommendations of the administrative law judge, except as
5 otherwise provided in this Article. Whenever the Secretary
6 ~~Commissioner~~ is not satisfied that substantial justice has been
7 done in the hearing or in the administrative law judge's
8 report, the Secretary ~~Commissioner~~ may order a rehearing by the
9 same or some other duly qualified administrative law judge.

10 (Source: P.A. 91-338, eff. 12-30-99.)

11 (765 ILCS 86/15-40)

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

13 Sec. 15-40. Disciplinary consent orders. Notwithstanding
14 any other provisions of this Act concerning the conduct of
15 hearings and recommendations for disciplinary actions, the
16 Department ~~Office of Banks and Real Estate~~ has the authority to
17 negotiate agreements with registrants and applicants resulting
18 in disciplinary or non-disciplinary consent orders. Any such
19 consent order may provide for any form of discipline provided
20 for in the Act. Any such consent order shall provide that it is
21 not entered into as a result of any coercion by the Department
22 ~~Office of Banks and Real Estate~~. The consent order shall be
23 final upon signature of the Secretary ~~Any such consent order~~
24 ~~shall be accepted by signature or rejected by the Commissioner~~
25 ~~in a timely manner.~~

1 (Source: P.A. 91-338, eff. 12-30-99.)

2 (765 ILCS 86/15-45)

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

4 Sec. 15-45. Order or certified copy. An order or a
5 certified copy of an order, over the seal of the Department
6 ~~Office of Banks and Real Estate~~ and purporting to be signed by
7 the Secretary Commissioner, shall be prima facie proof of the
8 following:

9 (1) That the signature is the genuine signature of the
10 Secretary Commissioner.

11 (2) That the Secretary Commissioner is duly appointed
12 and qualified.

13 (3) That the administrative law judge is duly appointed
14 and qualified.

15 (Source: P.A. 91-338, eff. 12-30-99.)

16 (765 ILCS 86/15-50)

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

18 Sec. 15-50. Restoration of certificate of registration.
19 Upon petition, after the successful completion of the term of
20 ~~At any time after~~ the suspension or revocation of any
21 certificate of registration, the Department ~~Office of Banks and~~
22 ~~Real Estate~~ may restore the certificate of registration to the
23 respondent upon the written recommendation of the
24 administrative law judge, unless after an investigation and a

1 hearing the administrative law judge determines that
2 restoration is not in the public interest.

3 (Source: P.A. 91-338, eff. 12-30-99.)

4 (765 ILCS 86/15-55)

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

6 Sec. 15-55. Surrender of certificate of registration. Upon
7 the revocation or suspension of a certificate of registration,
8 the registrant shall immediately surrender the certificate of
9 registration to the Department ~~Office of Banks and Real Estate~~.
10 If the registrant fails to do so, the Department ~~Office of~~
11 ~~Banks and Real Estate~~ has the right to seize the certificate of
12 registration.

13 (Source: P.A. 91-338, eff. 12-30-99.)

14 (765 ILCS 86/15-60)

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

16 Sec. 15-60. Administrative Review Law; transcripts;
17 certifications of record; costs. All final administrative
18 decisions of the Department ~~Office of Banks and Real Estate~~
19 under this Act are subject to judicial review under the
20 Administrative Review Law and the rules implementing that Law.
21 The term "administrative decision" is defined as in Section
22 3-101 of the Code of Civil Procedure. Proceedings for judicial
23 review shall be commenced in the circuit court of the county in
24 which the party applying for review resides, but if the party

1 is not a resident of this State, the venue shall be in Cook or
2 Sangamon County.

3 Pending the court's final decision on administrative
4 review, the acts, orders, sanctions, and rulings of the
5 ~~Department Office of Banks and Real Estate~~ regarding any
6 registration shall remain in full force and effect unless
7 modified or suspended by court order pending a final judicial
8 decision.

9 The Department, at its own expense, shall preserve a record
10 of all proceedings at the formal hearing of a case involving
11 the refusal to issue or renew a registration. The notice of
12 hearing, complaint, and all other documents in the nature of
13 pleadings and written motions filed in the proceedings, the
14 transcript of testimony, the report, and orders of the
15 Department shall be in the record of the proceeding.

16 The Department shall not be required to certify any record
17 to the court or file any answer in court or otherwise appear in
18 any court in a judicial review proceeding unless there is filed
19 in the court a receipt from the Department acknowledging
20 payment of the costs of furnishing and certifying the record,
21 which shall be computed at the rate of 20 cents per page of the
22 record. Failure on the part of a plaintiff to file a receipt in
23 court shall be grounds for dismissal of the action.

24 ~~The Office of Banks and Real Estate shall not be required~~
25 ~~to certify any record to the court or file any answer in court~~
26 ~~or otherwise appear in any court in a judicial review~~

1 ~~proceeding unless there is filed in the court, with the~~
2 ~~complaint, a receipt from the Office of Banks and Real Estate~~
3 ~~acknowledging payment of the costs of furnishing and certifying~~
4 ~~the record. Failure on the part of the plaintiff to file a~~
5 ~~receipt in the court is grounds for dismissal of the action.~~

6 (Source: P.A. 91-338, eff. 12-30-99.)

7 (765 ILCS 86/15-65)

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

9 Sec. 15-65. Public interest, safety, or welfare; summary
10 suspension. The Secretary ~~Commissioner~~ may temporarily suspend
11 any registration pursuant to this Act, without hearing,
12 simultaneously with the institution of proceedings for a
13 hearing provided for in this Section, if the Secretary
14 ~~Commissioner~~ finds that the evidence indicates that imminent
15 danger exists to the public interest, safety, or welfare
16 ~~imperatively requires emergency action~~. If the Secretary
17 ~~Commissioner~~ temporarily suspends any registration without a
18 hearing, a hearing must be held within 30 calendar days after
19 the suspension. The person whose registration is suspended may
20 seek a continuance of the hearing, during which the suspension
21 shall remain in effect. The proceeding shall be concluded
22 without appreciable delay.

23 (Source: P.A. 91-338, eff. 12-30-99.)

24 (765 ILCS 86/15-70)

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

2 Sec. 15-70. Non-registered practice; civil penalty;
3 injunction.

4 (a) Any person who practices, offers to practice, attempts
5 to practice, or holds himself or herself out to practice as a
6 registrant under this Act without being registered under this
7 Act shall, in addition to any other penalty provided by law,
8 pay a civil penalty to the Department ~~Office of Banks and Real~~
9 ~~Estate~~ in an amount not to exceed \$25,000 for each offense as
10 determined by the Department ~~Office of Banks and Real Estate~~.
11 The civil penalty shall be assessed by the Department ~~Office of~~
12 ~~Banks and Real estate~~ after a hearing is held in accordance
13 with the provisions set forth in this Act regarding the
14 provision of a hearing for the discipline of a registration.

15 (b) Whenever, in the opinion of the Department, a person
16 violates any provision of this Act, the Department may issue a
17 rule to show cause why an order to cease and desist should not
18 be entered against that person. The rule shall clearly set
19 forth the grounds relied upon by the Department and shall allow
20 at least 7 days after the date of the rule to file an answer
21 satisfactory to the Department. Failure to answer to the
22 satisfaction of the Department shall cause an order to cease
23 and desist to be issued ~~The Office of Banks and Real Estate has~~
24 ~~the authority and power to investigate any and all activity~~
25 ~~subject to registration under this Act.~~

26 (c) A civil penalty imposed under subsection (a) shall be

1 paid within 60 days after the effective date of the order
2 imposing the civil penalty. The order shall constitute a
3 judgment and may be filed and execution had thereon in the same
4 manner as any judgment from any court of record.

5 (d) Engaging in the sale of land located outside the State
6 of Illinois but offered for sale in Illinois by any entity not
7 holding a valid and current registration under this Act is
8 declared to be inimical to the public welfare, to constitute a
9 public nuisance, and to cause irreparable harm to the public
10 welfare. The ~~Secretary Commissioner~~, the Attorney General, the
11 State's Attorney of any county in the State, or any person may
12 maintain an action in the name of the People of the State of
13 Illinois, and may apply for injunctive relief in any circuit
14 court to enjoin the entity from engaging in the conduct
15 prohibited under this subsection. Upon the filing of a verified
16 petition in the court, the court, if satisfied by affidavit or
17 otherwise that the entity has been engaged in that conduct
18 without a valid and current registration, may enter a temporary
19 restraining order without notice or bond, enjoining the
20 defendant from such further conduct. Only the showing of
21 nonregistration, by affidavit or otherwise, is necessary in
22 order for a temporary injunction to issue. A copy of the
23 verified complaint shall be served upon the defendant and the
24 proceedings shall thereafter be conducted as in other civil
25 cases except as modified by this Section. If it is established
26 that the defendant has been or is engaged in such unlawful

1 conduct, the court may enter an order or judgment perpetually
2 enjoining the defendant from further unlawful conduct. In all
3 proceedings hereunder, the court, in its discretion, may
4 apportion the costs among the parties interested in the action,
5 including cost of filing the complaint, service of process,
6 witness fees and expenses, court reporter charges and
7 reasonable attorneys' fees. In the case of a violation of any
8 injunctive order entered under the provisions of this Section,
9 the court may summarily try and punish the offender for
10 contempt of court. Proceedings for an injunction under this
11 Section shall be in addition to, and not in lieu of, all
12 penalties and other remedies provided in this Act.

13 (Source: P.A. 91-338, eff. 12-30-99.)

14 (765 ILCS 86/15-75)

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

16 Sec. 15-75. Cease and desist orders. The Department Office
17 ~~of Banks and Real Estate~~ may issue a cease and desist order to
18 any person who engages in any activity prohibited by this Act.
19 Any person in violation of a cease and desist order entered by
20 the Department Office of Banks and Real Estate is subject to
21 all of the remedies provided by law.

22 (Source: P.A. 91-338, eff. 12-30-99.)

23 (765 ILCS 86/20-5)

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

1 Sec. 20-5. Administration of Act. The Department ~~Office of~~
2 ~~Banks and Real Estate~~ shall exercise the powers and duties
3 prescribed by the Civil Administrative Code of Illinois and
4 shall exercise other powers and duties necessary for
5 effectuating the purposes of this Act. The Department ~~Office of~~
6 ~~Banks and Real Estate~~ may contract with third parties for
7 services necessary for the proper administration of this Act.
8 The Department ~~Office of Banks and Real Estate~~ has the
9 authority to establish public policies and procedures
10 necessary for the administration of this Act.

11 (Source: P.A. 91-338, eff. 12-30-99.)

12 (765 ILCS 86/20-10)

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

14 Sec. 20-10. Administrative rules. The Department ~~Office of~~
15 ~~Banks and Real Estate~~ shall adopt rules for the implementation
16 and enforcement of this Act.

17 (Source: P.A. 91-338, eff. 12-30-99.)

18 (765 ILCS 86/20-15)

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

20 Sec. 20-15. Investigation of subdivisions. The Department
21 ~~may Office of Banks and Real Estate shall~~ investigate any ~~every~~
22 subdivision offered for sale in this State and may:

23 (1) Require the applicant to submit reports prepared by
24 competent engineers concerning any hazard to which any

1 subdivision offered for sale is subject in the opinion of
2 the Department ~~Office of Banks and Real Estate~~, or any
3 factor that affects the utility of lots or parcels within
4 the subdivision, and require evidence of compliance.

5 (2) Make an on-site inspection of each subdivision. In
6 connection with any on-site inspection, the owner,
7 subdivider, or agent shall defray all expenses incurred by
8 the inspector in the course of the inspection.

9 (3) Make additional on-site inspections of each
10 subdivision for which the owner, subdivider, or agent shall
11 defray all expenses incurred by the inspector in the course
12 of the inspection.

13 (4) Require the owner, subdivider, or agent to deposit
14 the expenses to be incurred in any inspection, in advance,
15 based upon an estimate by the Department ~~Office of Banks
16 and Real Estate~~ of the expenses likely to be incurred.

17 (5) In those cases where an on-site inspection of any
18 subdivision has been made under the provisions of this Act,
19 waive an inspection of a subsequent registration submitted
20 as an amendment to the registration covering subdivided
21 land to be sold under the same common promotional plan. An
22 inspection of the subsequent registration may be made in
23 connection with the next succeeding on-site inspection.

24 (Source: P.A. 91-338, eff. 12-30-99.)

25 (765 ILCS 86/20-20)

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

2 Sec. 20-20. Forms. The Department ~~Office of Banks and Real~~
3 ~~Estate~~ may prescribe forms and procedures for submitting to the
4 Department ~~Office of Banks and Real Estate~~.

5 (Source: P.A. 91-338, eff. 12-30-99.)

6 (765 ILCS 86/20-25)

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

8 Sec. 20-25. Real Estate License Administration Fund. All
9 fees collected for registration and for civil penalties
10 pursuant to this Act and administrative rules adopted under
11 this Act shall be deposited into the Real Estate Administration
12 Fund. The moneys deposited in the Real Estate Administration
13 License Fund shall be appropriated to the Department ~~Office of~~
14 ~~Banks and Real Estate~~ for expenses for the administration and
15 enforcement of this Act.

16 (Source: P.A. 91-338, eff. 12-30-99.)

17 Section 99. Effective date. This Act takes effect upon
18 becoming law.