

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 Acts repealed on January 1, 2010 and December  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9 (a) The following Acts are repealed on January 1, 2010: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21 (b) The following Act is repealed on December 31, 2010: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 Act repealed on January 1, 2020.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3 Act is repealed on January 1, 2020: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12 (Section scheduled to be repealed on January 1, 2010)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.