

# HB5579



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5579

Introduced 2/15/2012, by Rep. Kay Hatcher

#### SYNOPSIS AS INTRODUCED:

225 ILCS 407/5-10

Amends the Auction License Act. Provides that the term "auction" includes an estate sale, but does not include a garage sale or yard sale on an individual's premises.

LRB097 20460 CEL 65972 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Auction License Act is amended by changing  
5 Section 5-10 as follows:

6 (225 ILCS 407/5-10)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 5-10. Definitions. As used in this Act:

9 "Advertisement" means any written, oral, or electronic  
10 communication that contains a promotion, inducement, or offer  
11 to conduct an auction or offer to provide an auction service,  
12 including, but not limited to, brochures, pamphlets, radio and  
13 television scripts, telephone and direct mail solicitations,  
14 electronic media, and other means of promotion.

15 "Advisory Board" or "Board" means the Auctioneer Advisory  
16 Board.

17 "Associate auctioneer" means a person who conducts an  
18 auction, but who is under the direct supervision of, and is  
19 sponsored by, a licensed auctioneer or auction firm.

20 "Auction" means the sale or lease of property, real or  
21 personal, by means of exchanges between an auctioneer and  
22 prospective purchasers or lessees, which consists of a series  
23 of invitations for offers made by the auctioneer and offers by

1 prospective purchasers or lessees for the purpose of obtaining  
2 an acceptable offer for the sale or lease of the property,  
3 including the sale or lease of property via mail,  
4 telecommunications, or the Internet. "Auction" includes an  
5 estate sale. "Auction" does not include a garage sale or yard  
6 sale on an individual's premises.

7 "Auction contract" means a written agreement between an  
8 auctioneer or auction firm and a seller or sellers.

9 "Auction firm" means any corporation, partnership, or  
10 limited liability company that acts as an auctioneer and  
11 provides an auction service, including an estate sale.

12 "Auction school" means any educational institution, public  
13 or private, which offers a curriculum of auctioneer education  
14 and training approved by the Department.

15 "Auction service" means the service of arranging,  
16 managing, advertising, or conducting auctions.

17 "Auctioneer" means a person or entity who, for another, for  
18 a fee, compensation, commission, or any other valuable  
19 consideration at auction or with the intention or expectation  
20 of receiving valuable consideration by the means of or process  
21 of an auction or sale at auction or providing an auction  
22 service, offers, negotiates, or attempts to negotiate an  
23 auction contract, sale, purchase, or exchange of goods,  
24 chattels, merchandise, personal property, real property, or  
25 any commodity that may be lawfully kept or offered for sale by  
26 or at auction.

1 "Address of Record" means the designated address recorded  
2 by the Department in the applicant's or licensee's application  
3 file or license file maintained by the Department. It is the  
4 duty of the applicant or licensee to inform the Department of  
5 any change of address, and such changes must be made either  
6 through the Department's website or by directly contacting the  
7 Department.

8 "Buyer premium" means any fee or compensation paid by the  
9 successful purchaser of property sold or leased at or by  
10 auction, to the auctioneer, auction firms, seller, lessor, or  
11 other party to the transaction, other than the purchase price.

12 "Department" means the Department of Financial and  
13 Professional Regulation.

14 "Goods" means chattels, movable goods, merchandise, or  
15 personal property or commodities of any form or type that may  
16 be lawfully kept or offered for sale.

17 "Licensee" means any person licensed under this Act.

18 "Managing auctioneer" means any person licensed as an  
19 auctioneer who manages and supervises licensees sponsored by an  
20 auction firm or auctioneer.

21 "Person" means an individual, association, partnership,  
22 corporation, or limited liability company or the officers,  
23 directors, or employees of the same.

24 "Pre-renewal period" means the 24 months prior to the  
25 expiration date of a license issued under this Act.

26 "Secretary" means the Secretary of the Department of

1 Financial and Professional Regulation or his or her designee.

2 "Sponsoring auctioneer" means the auctioneer or auction  
3 firm who has issued a sponsor card to a licensed auctioneer.

4 "Sponsor card" means the temporary permit issued by the  
5 sponsoring auctioneer certifying that the licensee named  
6 thereon is employed by or associated with the sponsoring  
7 auctioneer and the sponsoring auctioneer shall be responsible  
8 for the actions of the sponsored licensee.

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