



Rep. Marcus C. Evans, Jr.

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10400HB5428ham001

LRB104 18006 CCC 36236 a

1 AMENDMENT TO HOUSE BILL 5428

2 AMENDMENT NO. _____. Amend House Bill 5428 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Sections 4.37 and 4.42 as follows:

6 (5 ILCS 80/4.37)

7 Sec. 4.37. Acts and Articles repealed on January 1, 2027.

8 The following are repealed on January 1, 2027:

9 The Clinical Psychologist Licensing Act.

10 The Illinois Optometric Practice Act of 1987.

11 Articles II, III, IV, V, VI, VIIA, VIIC, XVII, XXXI, and
12 XXXI 1/4 of the Illinois Insurance Code.

13 The Boiler and Pressure Vessel Repairer Regulation Act.

14 The Marriage and Family Therapy Licensing Act.

15 The Boxing and Full-contact Martial Arts Act.

16 ~~The Cemetery Oversight Act.~~

1 ~~The Community Association Manager Licensing and~~
2 ~~Disciplinary Act.~~

3 ~~The Detection of Deception Examiners Act.~~

4 ~~The Home Inspector License Act.~~

5 The Massage Licensing Act.

6 The Medical Practice Act of 1987.

7 The Petroleum Equipment Contractors Licensing Act.

8 The Radiation Protection Act of 1990.

9 ~~The Real Estate Appraiser Licensing Act of 2002.~~

10 ~~The Registered Interior Designers Act.~~

11 ~~The Landscape Architecture Registration Act.~~

12 The Water Well and Pump Installation Contractor's License
13 Act.

14 The Licensed Certified Professional Midwife Practice Act.

15 (Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21;
16 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; 102-683, eff.
17 10-1-22; 102-813, eff. 5-13-22; 103-371, eff. 1-1-24; 103-823,
18 eff. 8-9-24.)

19 (5 ILCS 80/4.42)

20 Sec. 4.42. Acts repealed on January 1, 2032. The following
21 Acts are repealed on January 1, 2032:

22 The Cemetery Oversight Act.

23 The Collateral Recovery Act.

24 The Community Association Manager Licensing and
25 Disciplinary Act.

1 The Detection of Deception Examiners Act.
2 The Home Inspector License Act.
3 The Landscape Architecture Registration Act.
4 The Real Estate Appraiser Licensing Act of 2002.
5 The Registered Interior Designers Act.
6 (Source: P.A. 103-371, eff. 1-1-24.)

7 Section 10. The Auction License Act is amended by changing
8 Sections 5-10, 10-1, 10-30, 10-40, 10-45, 15-15, 15-25, 20-15,
9 20-15.1, 20-16, 20-20, 20-30, 20-35, 20-40, 20-43, 20-55,
10 20-56, 25-110, and 30-7 as follows:

11 (225 ILCS 407/5-10)

12 (Section scheduled to be repealed on January 1, 2030)

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

14 "Advertisement" means any written, oral, or electronic
15 communication that contains a promotion, inducement, or offer
16 to conduct an auction or offer to provide an auction service,
17 including but not limited to brochures, pamphlets, radio and
18 television scripts, telephone and direct mail solicitations,
19 electronic media, Internet online, and other means of
20 promotion.

21 "Advisory Board" or "Board" means the Auctioneer Advisory
22 Board.

23 "Auction" means the sale or lease of property, real or
24 personal, by means of exchanges between an auctioneer and

1 prospective purchasers or lessees, which consists of a series
2 of invitations or bids for offers made by the auctioneer to
3 prospective purchasers or lessees for the purpose of obtaining
4 an acceptable offer for the sale or lease of property. ~~via~~
5 ~~mail, telecommunications, or the Internet online.~~

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

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

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

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

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

26 "Address of record" means the designated address recorded

1 by the Department in the applicant's or licensee's application
2 file or license file maintained by the Department.

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

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Division" means the Division of Real Estate within the
10 Department.

11 "Email address of record" means the designated email
12 address recorded by the Department in the applicant's
13 application file or the licensee's license file maintained by
14 the Department's licensure maintenance unit.

15 "Estate sale" means a sale for liquidation of personal
16 property of an estate owned by one or more individuals,
17 families, or legal representatives of the estate that is
18 advertised and scheduled for a predetermined amount of time
19 and to which the public is invited to participate in a
20 negotiation or bid for the purchase of the personal property.

21 "Estate sale service" means the performance of an auction
22 service for the owners of personal property to be sold at an
23 estate sale, where an auctioneer undertakes the responsibility
24 of conducting the sale. "Estate sale service" does not include
25 the sale of real property.

26 "Goods" means chattels, movable goods, merchandise, or

1 personal property or commodities of any form or type that may
2 be lawfully kept or offered for sale.

3 "Interactive computer service" means any information
4 service, system, or access software provider that provides or
5 enables computer access by multiple users to a computer
6 server, including specifically a service or system that
7 provides access to the Internet.

8 "Internet auction listing service" means a website on the
9 Internet, or other interactive computer service, that is
10 designed to allow or advertise as a means of allowing users to
11 offer personal property or services for sale or lease to a
12 prospective buyer or lessee through an online bid submission
13 process using that website or interactive computer service and
14 that does not examine, set the price, prepare the description
15 of the personal property or service to be offered, or in any
16 way utilize the services of a natural person as an auctioneer.

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

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

21 "Online auction" means an auction or auction service
22 conducted by an auctioneer via a website on the Internet, an
23 application, an interactive computer service, or other similar
24 media.

25 "Person" means an individual, association, partnership,
26 corporation, ~~or~~ limited liability company, or auction firm ~~or~~

1 ~~the officers, directors, or employees of the same.~~

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

4 "Real estate" means real estate as defined in Section 1-10
5 of the Real Estate License Act of 2000 or its successor Acts.

6 "Secretary" means the Secretary of Financial and
7 Professional Regulation or the Secretary's ~~his or her~~
8 designee.

9 (Source: P.A. 104-145, eff. 1-1-26.)

10 (225 ILCS 407/10-1)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 10-1. Necessity of license; exemptions.

13 (a) It is unlawful for any person, corporation, limited
14 liability company, partnership, or other entity to conduct an
15 auction, provide an auction service, hold oneself ~~himself or~~
16 ~~herself~~ out as an auctioneer, or advertise ~~his or her~~ services
17 as an auctioneer in the State of Illinois without a license
18 issued by the Department under this Act, except at:

19 (1) an auction conducted solely by or for a
20 not-for-profit organization for charitable purposes in
21 which the individual receives no compensation;

22 (2) an auction conducted by the owner of the property,
23 real or personal;

24 (3) an auction for the sale or lease of real property
25 conducted by a licensee under the Real Estate License Act,

1 or its successor Acts, in accordance with the terms of
2 that Act;

3 (4) an auction conducted by a business registered as a
4 market agency under the federal Packers and Stockyards Act
5 (7 U.S.C. 181 et seq.) or under the Livestock Auction
6 Market Law;

7 (5) an auction conducted by an agent, officer, or
8 employee of a federal agency in the conduct of the
9 agent's, officer's, or employee's ~~his or her~~ official
10 duties; and

11 (6) an auction conducted by an agent, officer, or
12 employee of the State government or any political
13 subdivision thereof performing ~~his or her~~ official duties.

14 (b) Nothing in this Act shall be construed to apply to a
15 new or used vehicle dealer or a vehicle auctioneer licensed by
16 the Secretary of State of Illinois, or to any employee of the
17 licensee, who is a resident of the State of Illinois, while the
18 employee is acting in the regular scope of ~~his or her~~
19 employment for the licensee while conducting an auction that
20 is not open to the public, provided that only new or used
21 vehicle dealers, rebuilders, automotive parts recyclers, or
22 scrap processors licensed by the Secretary of State or
23 licensed by another state or jurisdiction may buy property at
24 the auction, or to sales by or through the licensee.
25 Out-of-state salvage vehicle buyers licensed in another state
26 or jurisdiction may also buy property at the auction.

1 (c) Nothing in this Act shall be construed to prohibit a
2 person under the age of 18 from selling property under \$250 in
3 value while under the direct supervision of a licensed
4 auctioneer.

5 (d) Nothing in this Act shall be construed to apply to a
6 person providing an Internet auction listing service as
7 defined in Section 5-10.

8 (e) Nothing in this Act shall be construed to apply to a
9 third-party reseller of personal property where owners or
10 representatives of an estate have transferred ownership of the
11 property to the reseller to be sold anonymously. A third-party
12 reseller may include, but is not limited to, a retail seller, a
13 consignment seller, or a distributor who does not conduct an
14 estate sale.

15 (f) Nothing in this Section shall be construed to apply to
16 any person as a receiver, trustee in bankruptcy, guardian,
17 administrator, or executor; any such person acting under an
18 order of any court, under the direction of any public
19 authority, or pursuant to any judicial decree; or any such
20 person acting pursuant to a trust agreement, deed of trust, or
21 will.

22 (g) The licensing of auction firms required under this Act
23 does not apply to an entity whose ownership structure consists
24 of one licensed auctioneer operating either (i) a sole
25 proprietorship, a single member limited liability company, or
26 a single shareholder corporation, or (ii) a limited liability

1 company, corporation, or partnership co-owned solely with the
2 auctioneer's unlicensed spouse. The auctioneer owner or
3 operator must be the only licensee performing auctions on the
4 entity's behalf and shall comply with all other provisions of
5 this Act.

6 (Source: P.A. 104-145, eff. 1-1-26.)

7 (225 ILCS 407/10-30)

8 (Section scheduled to be repealed on January 1, 2030)

9 Sec. 10-30. Renewal ~~Expiration, renewal,~~ and continuing
10 education.

11 (a) License expiration dates, renewal periods, renewal
12 fees, and procedures for renewal of licenses issued under this
13 Act shall be set by rule of the Department. The holder of a
14 license under this Act may renew the license within 90 days
15 preceding the license's expiration date by completing and
16 submitting to the Department a renewal application in a manner
17 prescribed by the Department and paying the required fees. ~~An~~
18 ~~entity may renew its license by paying the required fee and by~~
19 ~~meeting the renewal requirements adopted by the Department~~
20 ~~under this Section.~~

21 (b) All individual renewal applicants must provide proof
22 as determined by the Department of having met the continuing
23 education requirements by the deadline set forth by the
24 Department by rule. At a minimum, the rules shall require an
25 applicant for renewal licensure as an auctioneer to provide

1 proof of the completion of at least 12 hours of continuing
2 education during the ~~pre-renewal~~ period established by the
3 Department for completion of continuing education from schools
4 approved by the Department, as established by rule.

5 (c) (Blank). ~~The Department, in its discretion, may waive~~
6 ~~enforcement of the continuing education requirements of this~~
7 ~~Section and shall adopt rules defining the standards and~~
8 ~~criteria for such waiver.~~

9 (c-5) The expiration date and renewal period for an
10 auction firm shall be set by rule. An auction firm whose
11 license under this Act has expired may renew the license for a
12 period of 2 years following the expiration date by complying
13 with the requirements of this Section and paying any late
14 penalties established by rule.

15 (d) (Blank).

16 (e) The Department shall not issue or renew a license if
17 the applicant or licensee has an unpaid fine or fee from a
18 disciplinary matter or from a non-disciplinary action imposed
19 by the Department until the fine or fee is paid to the
20 Department or the applicant or licensee has entered into a
21 payment plan and is current on the required payments.

22 (f) The Department shall not issue or renew a license if
23 the applicant or licensee has an unpaid fine or civil penalty
24 imposed by the Department for unlicensed practice until the
25 fine or civil penalty is paid to the Department or the
26 applicant or licensee has entered into a payment plan and is

1 current on the required payments.

2 (Source: P.A. 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

3 (225 ILCS 407/10-40)

4 (Section scheduled to be repealed on January 1, 2030)

5 Sec. 10-40. Expiration, renewal, and restoration
6 Restoration.

7 (a) An auctioneer ~~A licensee~~ whose license has lapsed or
8 expired shall have 2 years from the expiration date to renew
9 the license ~~restore licensure~~ without examination. The ~~expired~~
10 licensee shall complete an ~~make~~ application to the Department
11 ~~on forms provided by the Department,~~ provide evidence of
12 successful completion of all ~~12~~ hours of approved continuing
13 education during the period of time the license had lapsed,
14 and pay all fees and penalties as established by rule.

15 (a-5) An auctioneer whose license has lapsed or expired
16 for more than 2 years but less than 5 years may restore the
17 license without examination by (i) applying to the Department,
18 (ii) providing evidence of the licensee's successful
19 completion of all hours of approved continuing education
20 during the lapsed periods prior to the date of the
21 application, (iii) paying the required fees, and (iv)
22 satisfying any other requirements as established by rule. An
23 auctioneer whose license has been expired for more than 5
24 years shall be required to meet the requirements of a new
25 license.

1 (b) Notwithstanding any other provisions of this Act to
2 the contrary, any auctioneer licensee whose license under this
3 Act has expired is eligible to renew or restore such license
4 without paying any lapsed fees and penalties if the license
5 expired while the auctioneer licensee was:

6 (1) on active duty with the United States Army, United
7 States Marine Corps, United States Navy, United States Air
8 Force, United States Coast Guard, the State Militia called
9 into service or training;

10 (2) engaged in training or education under the
11 supervision of the United States prior to induction into
12 military service; or

13 (3) serving as an employee of the Department, while
14 the employee was required to surrender the license.

15 An auctioneer A licensee shall also be eligible to renew
16 ~~restore~~ a license under paragraphs (1), (2), and (3) without
17 completing the continuing education requirements for ~~that~~
18 ~~licensure period.~~ For a period of 2 years following the
19 termination of the service or education if the termination was
20 by other than dishonorable discharge and the licensee
21 furnishes the Department with an affidavit specifying that the
22 licensee has been so engaged.

23 (c) At any time after the suspension, revocation,
24 placement on probationary status, or other disciplinary action
25 taken under this Act with reference to any license, the
26 Department may restore the license to the licensee without

1 examination upon the order of the Secretary, if the licensee
2 submits a properly completed application, pays the appropriate
3 fees, and otherwise complies with the conditions of the order.

4 (d) An auctioneer who notifies the Department, in a manner
5 prescribed by the Department, may place a license on inactive
6 status for a period not to exceed 2 years and shall be excused
7 from the payment of renewal fees until the auctioneer notifies
8 the Department in writing of the auctioneer's intention to
9 resume active practice.

10 (e) An auctioneer requesting that a license be changed
11 from inactive to active status shall be required to pay the
12 current renewal fee and shall also demonstrate compliance with
13 the continuing education requirements.

14 (f) No licensee with a nonrenewed or inactive license
15 status shall provide auction services as set forth in this
16 Act.

17 (Source: P.A. 103-236, eff. 1-1-24.)

18 (225 ILCS 407/10-45)

19 (Section scheduled to be repealed on January 1, 2030)

20 Sec. 10-45. Nonresident auctioneer reciprocity.

21 (a) An individual ~~A person~~ holding a license to engage in
22 auctions issued to the individual ~~him or her~~ by the proper
23 authority of a state, territory, or possession of the United
24 States of America or the District of Columbia that has
25 licensing requirements equal to or substantially equivalent to

1 the requirements of this State and that otherwise meets the
2 requirements of this Act may obtain a license under this Act
3 without examination if:

4 (1) the Department has entered into a valid reciprocal
5 agreement with the proper authority of the state,
6 territory, or possession of the United States of America
7 or the District of Columbia from which the nonresident
8 applicant has a valid license;

9 (2) the applicant provides the Department with a
10 certificate of good standing from the applicant's state of
11 licensure;

12 (3) the applicant completes and submits an application
13 as provided by the Department; and

14 (4) the applicant pays all applicable fees required
15 under this Act.

16 (b) A nonresident applicant shall file an irrevocable
17 consent with the Department that actions may be commenced
18 against the applicant or nonresident licensee in a court of
19 competent jurisdiction in this State by the service of
20 summons, process, or other pleading authorized by the law upon
21 the Secretary. The consent shall stipulate and agree that
22 service of the process, summons, or pleading upon the
23 Secretary shall be taken and held in all courts to be valid and
24 binding as if actual service had been made upon the applicant
25 in Illinois. If a summons, process, or other pleading is
26 served upon the Secretary, it shall be by duplicate copies,

1 one of which shall be retained by the Department and the other
2 immediately forwarded by certified or registered mail or email
3 to the last known business address or email address of record
4 of the applicant or nonresident licensee against whom the
5 summons, process, or other pleading may be directed.

6 (Source: P.A. 101-345, eff. 8-9-19.)

7 (225 ILCS 407/15-15)

8 (Section scheduled to be repealed on January 1, 2030)

9 Sec. 15-15. Supervisory duties. The auction firm and
10 managing auctioneer shall have the duty and responsibility to
11 supervise and ~~manage, and control~~ any ~~sponsored~~ licensee,
12 agent, ~~or~~ employee, or representative of the auction firm who
13 conducts auctions ~~while conducting an auction~~ or provides
14 ~~providing an auction services~~ service. Any violation of this
15 Act by a licensee, agent, or employee of an auction firm or
16 managing auctioneer shall be deemed to be a violation by the
17 auction firm or managing auctioneer as well as by the
18 licensee, agent, or employee.

19 (Source: P.A. 101-345, eff. 8-9-19.)

20 (225 ILCS 407/15-25)

21 (Section scheduled to be repealed on January 1, 2030)

22 Sec. 15-25. Auction firm. No corporation, limited
23 liability company, or partnership shall be licensed as an
24 auction firm without being managed by a licensed auctioneer.

1 The auction firm and managing auctioneer of the ~~any~~ auction
2 firm shall be responsible for the actions of all licensed and
3 unlicensed employees, agents, and representatives of said
4 auction firm while the firm conducts auctions ~~is conducting an~~
5 ~~auction~~ or provides ~~providing an~~ auction services ~~service~~.

6 (Source: P.A. 91-603, eff. 1-1-00.)

7 (225 ILCS 407/20-15)

8 (Section scheduled to be repealed on January 1, 2030)

9 Sec. 20-15. Disciplinary actions; grounds. The Department
10 may refuse to issue or renew a license, may place on probation
11 ~~or administrative supervision~~, suspend, or revoke any license,
12 or may reprimand or take other disciplinary or
13 non-disciplinary action as the Department may deem proper,
14 including the imposition of fines not to exceed \$10,000 for
15 each violation upon any licensee or applicant under this Act
16 or any person or entity who holds oneself out as an applicant
17 or licensee for any of the following reasons:

18 (1) False or fraudulent representation or material
19 misstatement in furnishing information to the Department
20 in obtaining or seeking to obtain a license.

21 (2) Violation of any provision of this Act or the
22 rules adopted under this Act.

23 (3) Conviction of or entry of a plea of guilty or nolo
24 contendere, as set forth in subsection (c) of Section
25 10-5, to any crime that is a felony or misdemeanor under

1 the laws of the United States or any state or territory
2 thereof, or entry of an administrative sanction by a
3 governmental ~~government~~ agency in this State or any other
4 jurisdiction.

5 (3.5) Failing to notify the Department, within 30 days
6 after the occurrence, of the information required in
7 subsection (c) of Section 10-5.

8 (4) Being adjudged to be a person under legal
9 disability or subject to involuntary admission or to meet
10 the standard for judicial admission as provided in the
11 Mental Health and Developmental Disabilities Code.

12 (5) Discipline of a licensee by another state, the
13 District of Columbia, a territory of the United States, a
14 foreign nation, a governmental agency, or any other entity
15 authorized to impose discipline if at least one of the
16 grounds for that discipline is the same as or equivalent
17 to one of the grounds for discipline set forth in this Act
18 or for failing to report to the Department, within 30
19 days, any adverse final action taken against the licensee
20 by any other licensing jurisdiction, governmental
21 ~~government~~ agency, law enforcement agency, or court, or
22 liability for conduct that would constitute grounds for
23 action as set forth in this Act.

24 (6) Engaging in the practice of auctioneering,
25 conducting an auction, or providing an auction service
26 without a license or after the license was expired,

1 revoked, suspended, or terminated or while the license was
2 inoperative.

3 (7) Attempting to subvert or cheat on the auctioneer
4 exam or any continuing education exam, or aiding or
5 abetting another to do the same.

6 (8) Directly or indirectly giving to or receiving from
7 a person, firm, corporation, partnership, or association a
8 fee, commission, rebate, or other form of compensation for
9 professional service not actually or personally rendered,
10 except that an auctioneer licensed under this Act may
11 receive a fee from another licensed auctioneer from this
12 State or jurisdiction for the referring of a client or
13 prospect for auction services to the licensed auctioneer.

14 (9) Making any substantial misrepresentation or
15 untruthful advertising.

16 (10) Making any false promises of a character likely
17 to influence, persuade, or induce.

18 (11) Pursuing a continued and flagrant course of
19 misrepresentation or the making of false promises through
20 a licensee, agent, employee, advertising, or otherwise.

21 (12) Any misleading or untruthful advertising, or
22 using any trade name or insignia of membership in any
23 auctioneer association or organization of which the
24 licensee is not a member.

25 (13) Commingling funds of others with the licensee's
26 own funds or failing to keep the funds of others in an

1 escrow or trustee account.

2 (14) Failure to account for, remit, or return any
3 moneys, property, or documents coming into the licensee's
4 possession that belong to others, acquired through the
5 practice of auctioneering, conducting an auction, or
6 providing an auction service within 30 days of the written
7 request from the owner of said moneys, property, or
8 documents.

9 (15) Failure to maintain and deposit into a special
10 account, separate and apart from any personal or other
11 business accounts, all moneys belonging to others
12 entrusted to a licensee while acting as an auctioneer,
13 auction firm, or as a temporary custodian of the funds of
14 others.

15 (16) Failure to make available to Department personnel
16 during normal business hours all escrow and trustee
17 records and related documents maintained in connection
18 with the practice of auctioneering, conducting an auction,
19 or providing an auction service within 24 hours after a
20 request from Department personnel.

21 (17) Making or filing false records or reports in the
22 licensee's practice, including, but not limited to, false
23 records or reports filed with State agencies.

24 (18) Failing to voluntarily furnish copies of all
25 written instruments or executed documents prepared by the
26 auctioneer and signed by all parties to all parties at the

1 time of execution.

2 (19) Failing to provide information within 30 days in
3 response to a written request made by the Department.

4 (20) Engaging in any act that constitutes a violation
5 of the Illinois Human Rights Act.

6 (21) (Blank).

7 (22) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public.

10 (23) Offering or advertising real estate for sale or
11 lease at auction without a valid broker or managing
12 broker's license under the Real Estate License Act of
13 1983, or any successor Act, unless exempt from licensure
14 under the terms of the Real Estate License Act of 2000, or
15 any successor Act, except as provided in Section 5-32 of
16 the Real Estate License Act of 2000.

17 (24) Inability to practice the profession with
18 reasonable judgment, skill, or safety as a result of a
19 physical illness, mental illness, or disability.

20 (25) A pattern of practice or other behavior that
21 demonstrates incapacity or incompetence to practice under
22 this Act.

23 (26) Being named as a perpetrator in an indicated
24 report by the Department of Children and Family Services
25 under the Abused and Neglected Child Reporting Act and
26 upon proof by clear and convincing evidence that the

1 licensee has caused a child to be an abused child or a
2 neglected child as defined in the Abused and Neglected
3 Child Reporting Act.

4 (27) Inability to practice with reasonable judgment,
5 skill, or safety as a result of habitual or excessive use
6 or addiction to alcohol, narcotics, stimulants, or any
7 other chemical agent or drug, which may result in
8 significant harm to the public.

9 (28) Willfully failing to report an instance of
10 suspected child abuse or neglect as required by the Abused
11 and Neglected Child Reporting Act.

12 (29) Violating the terms of any order issued by the
13 Department.

14 (Source: P.A. 103-236, eff. 1-1-24; 104-417, eff. 8-15-25.)

15 (225 ILCS 407/20-15.1)

16 (Section scheduled to be repealed on January 1, 2030)

17 Sec. 20-15.1. Citations.

18 (a) The Department may adopt rules to permit the issuance
19 of citations to any licensee for failure to comply with the
20 continuing education requirements set forth in this Act or as
21 established by rule. The citation shall be issued to the
22 licensee and shall contain the licensee's name and address,
23 the licensee's license number, the number of required hours of
24 continuing education that have not been successfully completed
25 on or before ~~by~~ the licensee's ~~licensee within the~~ renewal

1 ~~deadline period~~, and the penalty imposed, which shall not
2 exceed \$2,000. The issuance of any such citation shall not
3 excuse the licensee from completing all continuing education
4 required for that term of licensure ~~renewal period~~.

5 (b) Service of a citation shall be made in person,
6 electronically, or by mail to the licensee at the licensee's
7 address of record or email address of record, and must clearly
8 state that if the cited licensee wishes to dispute the
9 citation, they may make a written request, within 30 days
10 after the citation is served, for a hearing before the
11 Department. If the cited licensee does not request a hearing
12 within 30 days after the citation is served, then ~~the citation~~
13 ~~shall become~~ a final, non-disciplinary order shall be entered,
14 and any fine imposed is due and payable within 30 ~~60~~ days after
15 the entry of that final order. If the cited licensee requests a
16 hearing within 30 days after the citation is served, the
17 Department shall afford the cited licensee a hearing conducted
18 in the same manner as a hearing provided for in this Act for
19 any violation of this Act and shall determine whether the
20 cited licensee committed the violation as charged and whether
21 the fine as levied is warranted. If the violation is found, any
22 fine shall constitute non-public discipline and be due and
23 payable within 30 days after the order of the Secretary, which
24 shall constitute a final order of the Department. No change in
25 license status may be made by the Department until a final
26 order of the Department has been issued.

1 (c) Payment of a fine that has been assessed pursuant to
2 this Section shall not constitute disciplinary action
3 reportable on the Department's website or elsewhere unless a
4 licensee has previously received 2 or more citations and been
5 assessed 2 or more fines.

6 (d) Nothing in this Section shall prohibit or limit the
7 Department from taking further action pursuant to this Act and
8 rules for additional, repeated, or continuing violations.

9 (Source: P.A. 102-970, eff. 5-27-22.)

10 (225 ILCS 407/20-16)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 20-16. Illegal discrimination.

13 (a) When there has been an adjudication in a civil or
14 criminal proceeding that a licensee has illegally
15 discriminated while engaged in any activity for which a
16 license is required under this Act, the Department, following
17 the provision of notice to the licensee and a hearing
18 conducted in accordance with Section 20-43 and upon the
19 recommendation of the Board as to the extent of the suspension
20 or revocation, shall suspend or revoke the license of that
21 licensee in a timely manner, unless the adjudication is in the
22 appeal process. The finding or judgment of the civil or
23 criminal proceeding is a matter of record and the merits of the
24 finding or judgment shall not be challenged in a request for a
25 hearing by the licensee.

1 **(b)** When there has been an order in an administrative
2 proceeding finding that a licensee has illegally discriminated
3 while engaged in any activity for which a license is required
4 under this Act, the Department, following the provision of
5 notice to the licensee and a hearing conducted in accordance
6 with Section 20-43 and upon recommendation of the Board as to
7 the nature and extent of the discipline, shall take one or more
8 of the disciplinary actions provided for in this Act ~~Section~~
9 ~~20-15~~ in a timely manner, unless the administrative order is
10 in the appeal process. The finding of the administrative order
11 is a matter of record and the merits of the administrative
12 order shall not be challenged in a request for a hearing by the
13 licensee.

14 (Source: P.A. 102-970, eff. 5-27-22.)

15 (225 ILCS 407/20-20)

16 (Section scheduled to be repealed on January 1, 2030)

17 Sec. 20-20. Suspension ~~Termination~~ without hearing for
18 failure to pay taxes, ~~or~~ child support, or workers'
19 compensation obligations. The Department may suspend ~~terminate~~
20 or otherwise deny ~~discipline~~ any license issued under this Act
21 without hearing if the following ~~appropriate~~ administering
22 agency provides adequate information and proof that the
23 licensee has:

24 (1) failed to file a return, to pay the tax, penalty,
25 or interest shown in a filed return, or to pay any final

1 assessment of tax, penalty, or interest, as required by
2 any tax act administered by the Illinois Department of
3 Revenue until the requirements of the tax Act ~~act~~ are
4 satisfied;

5 (2) failed to pay any court ordered child support as
6 determined by a court order or by referral from the
7 Department of Healthcare and Family Services (formerly
8 Illinois Department of Public Aid); ~~or~~

9 (3) (blank); or-

10 (4) failed to pay or secure workers' compensation
11 obligations as determined by and based solely upon the
12 certification of the Department of Insurance or the
13 Illinois Workers' Compensation Commission.

14 If a license is suspended ~~terminated~~ or otherwise denied
15 ~~disciplined~~ pursuant to this Section, the licensee may request
16 a hearing conducted pursuant to the Civil Administrative Code
17 of Illinois ~~as provided by this Act within 30 days of notice of~~
18 ~~termination or discipline.~~ The Department may issue a license
19 or lift the suspension of a license if satisfactory repayment
20 or obligation is determined by the respective State agency.

21 (Source: P.A. 100-872, eff. 8-14-18.)

22 (225 ILCS 407/20-30)

23 (Section scheduled to be repealed on January 1, 2030)

24 Sec. 20-30. Consent orders. Notwithstanding any provisions
25 concerning the conduct of hearings and recommendations for

1 disciplinary actions, the Department has the authority to
2 negotiate agreements with licensees and applicants resulting
3 in disciplinary consent orders. The consent orders may provide
4 for any form of discipline provided for in this Act. The
5 consent orders shall provide that they were not entered into
6 as a result of any coercion by the Department. Any consent
7 order shall be accepted by or rejected by the Secretary or
8 designee in a timely manner.

9 (Source: P.A. 95-572, eff. 6-1-08.)

10 (225 ILCS 407/20-35)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 20-35. Subpoenas; attendance of witnesses; oaths.

13 (a) The Department shall have the power to issue subpoenas
14 duces tecum ~~ad testificandum~~ (subpoena for documents) and to
15 bring before it any persons and to take testimony, either
16 orally or by deposition or both, with the same fees and mileage
17 and in the same manner as prescribed in civil cases in the
18 courts of this State. The Department shall have the power to
19 issue subpoenas duces tecum and to bring before it any
20 documents, papers, files, books, and records with the same
21 costs and in the same manner as prescribed in civil cases in
22 the courts of this State.

23 (b) Any circuit court may, upon application of the
24 Department or its designee or of the applicant, licensee, or
25 person holding a certificate of licensure against whom

1 proceedings under this Act are pending, enter an order
2 compelling the enforcement of any Department subpoena issued
3 in connection with any hearing or investigation.

4 (c) The Secretary or the Secretary's ~~his or her~~ designee
5 or the Board shall have power to administer oaths to witnesses
6 at any hearing that the Department is authorized to conduct
7 and any other oaths authorized in any Act administered by the
8 Department.

9 (Source: P.A. 95-572, eff. 6-1-08.)

10 (225 ILCS 407/20-40)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 20-40. Hearings; record of hearings.

13 (a) The Department shall have the authority to conduct
14 hearings on proceedings to revoke, suspend, place on probation
15 ~~or administrative review~~, reprimand, or refuse to issue or
16 renew any license under this Act or to impose a civil penalty
17 not to exceed \$10,000 upon any licensee under this Act.

18 (b) The Department, at its expense, shall preserve a
19 record of all proceedings at the formal hearing of any case.
20 The notice of hearing, complaint, all other documents in the
21 nature of pleadings, written motions filed in the proceedings,
22 the transcripts of testimony, the report of the Board, and
23 orders of the Department shall be in the record of the
24 proceeding. The Department shall furnish a transcript of such
25 record to any person interested in such hearing upon payment

1 of the fee required under Section 2105-115 of the Department
2 of Professional Regulation Law of the Civil Administrative
3 Code of Illinois ~~(20 ILCS 2105/2105-115)~~.

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

5 (225 ILCS 407/20-43)

6 (Section scheduled to be repealed on January 1, 2030)

7 Sec. 20-43. Investigations; notice and hearing. The
8 Department may investigate the actions or qualifications of
9 any person who is an applicant, unlicensed person, or person
10 rendering or offering to render auction services, or holding
11 or claiming to hold a license as a licensed auctioneer. At
12 least 30 days before any disciplinary hearing under this Act,
13 the Department shall: (i) notify the person charged in writing
14 of the charges made and the time and place of the hearing; (ii)
15 direct the person to file ~~with the Board~~ a written answer under
16 oath to the charges within 20 days of receiving service of the
17 notice; and (iii) inform the person that, if the person fails
18 to file an answer to the charges within 20 days of receiving
19 service of the notice, default may be entered and the license
20 may be suspended, revoked, placed on probationary status, or
21 have other disciplinary action taken with regard to the
22 license as the Department may consider proper, including, but
23 not limited to, limiting the scope, nature, or extent of the
24 licensee's practice, or imposing a fine.

25 At the time and place of the hearing fixed in the notice,

1 the Department Board shall proceed to hear the charges, and
2 the person or person's counsel shall be accorded ample
3 opportunity to present any pertinent statements, testimony,
4 evidence, and arguments in the person's defense. The
5 Department Board may continue the hearing when it deems it
6 appropriate. If the person, after receiving the notice, fails
7 to file an answer, the license may, in the discretion of the
8 Department, be revoked, suspended, placed on probationary
9 status, or the Department may take whatever disciplinary
10 actions considered proper, including limiting the scope,
11 nature, or extent of the person's practice or the imposition
12 of a fine, without a hearing, if the act or acts charged
13 constitute sufficient grounds for that action under the Act.

14 Notice of the hearing may be served by certified mail, or,
15 at the discretion of the Department, by an electronic means to
16 the person's most recent last-known address or email address
17 of record provided to the Department or, if in the course of
18 the administrative proceeding the party has previously
19 designated a specific email address at which to accept
20 electronic service for that specific proceeding, by sending a
21 copy by email to the party's email address on record.

22 (Source: P.A. 103-236, eff. 1-1-24.)

23 (225 ILCS 407/20-55)

24 (Section scheduled to be repealed on January 1, 2030)

25 Sec. 20-55. Appointment of a hearing officer. The

1 Secretary has the authority to appoint any attorney licensed
2 to practice law in the State of Illinois to serve as the
3 hearing officer in any action for refusal to issue, restore,
4 or renew a license or to discipline a licensee. The hearing
5 officer has full authority to conduct the hearing. Any Board
6 member may attend hearings. The hearing officer shall report
7 his or her findings of fact, conclusions of law, and
8 recommendations to the Board. The Board shall have 90 days
9 after the date of receipt of ~~review~~ the report of the hearing
10 officer to ~~and~~ present its findings of fact, conclusions of
11 law, and recommendations to the Secretary and to all parties
12 to the proceedings.

13 If the Secretary disagrees with the recommendations of the
14 Board or hearing officer, the Secretary may issue an order in
15 contravention of the ~~Board's~~ recommendations.

16 If the Board fails to present its findings of fact,
17 conclusions of law, and recommendations within the 90-day time
18 period, the Department may request in writing a direct appeal
19 to the Secretary and the Secretary may issue an order based
20 upon the report of the hearing officer and the record of the
21 proceedings or issue an order remanding the matter back to the
22 hearing officer for additional proceedings in accordance with
23 the order. If the Board fails to present its findings of fact,
24 conclusions of law, and recommendations within the 90-day time
25 period after receiving an Order of Default, the Department may
26 request in writing a direct appeal to the Secretary.

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

2 (225 ILCS 407/20-56)

3 (Section scheduled to be repealed on January 1, 2030)

4 Sec. 20-56. Board; rehearing. At the conclusion of the
5 hearing, a copy of the Board's report shall be served upon the
6 applicant, licensee, or unlicensed person by the Department,
7 either personally or as provided in this Act for the service of
8 a notice of hearing. Within 20 days after service, the person
9 ~~applicant or licensee~~ may present to the Department a motion
10 in writing for a rehearing, which shall specify the particular
11 grounds for rehearing. If no motion for rehearing is filed,
12 then upon the expiration of the time specified for filing such
13 a motion, or if a motion for rehearing is denied, then upon
14 denial, the Secretary may enter an order in accordance with
15 recommendations of the Board. If the applicant or licensee
16 orders from the reporting service and pays for a transcript of
17 the record within the time for filing a motion for rehearing,
18 the 20-day period within which a motion may be filed shall
19 commence upon the delivery of the transcript to the applicant
20 or licensee.

21 (Source: P.A. 101-345, eff. 8-9-19.)

22 (225 ILCS 407/25-110)

23 (Section scheduled to be repealed on January 1, 2030)

24 Sec. 25-110. Licensing of auction schools.

1 (a) Only an auction school licensed by the Department may
2 provide the continuing education courses required for
3 licensure under this Act.

4 (b) An auction school may also provide the course required
5 to obtain the real estate auction certification in Section
6 5-32 of the Real Estate License Act of 2000. The course shall
7 be approved by the Department upon the recommendation of the
8 Real Estate Administration and Disciplinary Board pursuant to
9 Section 25-10 of the Real Estate License Act of 2000.

10 (c) A person or entity seeking to be licensed as an auction
11 school under this Act shall provide satisfactory evidence of
12 the following:

13 (1) a sound financial base for establishing,
14 promoting, and delivering the necessary courses;

15 (2) a sufficient number of qualified instructors;

16 (3) adequate support personnel to assist with
17 administrative matters and technical assistance;

18 (4) a qualified school administrator⁷ who is
19 responsible for the administration of the school, courses,
20 and the actions of the instructors;

21 (5) proof of good standing with the Secretary of State
22 and authority to conduct business in this State; and

23 (6) any other requirements provided by rule.

24 (d) All applicants for an auction school ~~schools~~ license
25 shall make an initial application to the Department in a
26 manner prescribed by the Department and pay the appropriate

1 fee as provided by rule. In addition to any other information
2 required to be contained in the application as prescribed by
3 rule, every application for an original or renewed license
4 shall include the applicant's Taxpayer Identification Number.
5 The term, expiration date, and renewal of an auction school
6 ~~schools~~ license shall be established by rule.

7 (e) An auction school shall provide each successful course
8 participant with a certificate of completion signed by the
9 school administrator. The format and content of the
10 certificate shall be specified by rule.

11 (f) All auction schools shall provide ~~to~~ the Department a
12 roster of all successful course participants as provided by
13 rule.

14 (Source: P.A. 103-236, eff. 1-1-24; revised 6-24-25.)

15 (225 ILCS 407/30-7)

16 (Section scheduled to be repealed on January 1, 2030)

17 Sec. 30-7. Department; powers and duties.

18 (a) The Department shall exercise the powers and duties
19 prescribed by the Civil Administrative Code of Illinois for
20 the administration of licensing acts and shall exercise such
21 other powers and duties as are prescribed by this Act. The
22 Department may contract with third parties for services
23 necessary for the proper administration of this Act.

24 (b) The Department shall have the authority to audit or
25 inspect any electronic or physical record, account, document,

1 book, form, or file required to be created or maintained by
2 this Act. The Department may adopt rules and establish
3 necessary requirements for the implementation of this
4 subsection (b).

5 (Source: P.A. 96-730, eff. 8-25-09.)

6 (225 ILCS 407/20-85 rep.)

7 Section 15. The Auction License Act is amended by
8 repealing Section 20-85.

9 Section 20. The Registered Interior Designers Act is
10 amended by changing Sections 3, 4, 4.5, 6, 7, 8, 9, 10, 11, 12,
11 14, 15, 18, 19, 27, and 30 as follows:

12 (225 ILCS 310/3) (from Ch. 111, par. 8203)

13 (Section scheduled to be repealed on January 1, 2027)

14 Sec. 3. Definitions. As used in this Act:

15 "Accredited institution" means an institution accredited
16 by the Council for Interior Design Accreditation, an
17 accreditation body recognized by the United States Department
18 of Education, or a curriculum or transcript approved by the
19 Board per a registration applicant's application.

20 "Address of record" means the designated address recorded
21 by the Department in the applicant's application file or the
22 registrant's registration file as maintained by the
23 Department's licensure maintenance unit.

1 "Board" means the Board of Registered Interior Design
2 Professionals established under Section 6 of this Act.

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

5 "Email address of record" means the designated email
6 address recorded by the Department in the applicant's
7 application file or the registrant's registration file as
8 maintained by the Department's licensure maintenance unit.

9 "Interior technical submissions" means the designs,
10 drawings, and specifications that establish the scope of the
11 interior design to be constructed, the standard of quality for
12 materials, workmanship, equipment, and construction systems,
13 and the studies and other technical reports and calculations
14 prepared in the course of the practice of registered interior
15 design.

16 "Practice of registered interior design" means the design
17 of interior spaces as a part of an interior alteration or
18 interior construction project in conformity with public
19 health, safety, and welfare requirements, including the
20 preparation of documents relating to building code
21 descriptions, project egress plans that require no increase in
22 capacity of exits in the space affected, space planning,
23 finish materials, furnishings, fixtures, equipment, and the
24 preparation of documents and interior technical submissions
25 relating to interior construction. "Practice of registered
26 interior design" does not include:

1 (1) The practice of structural engineering as defined
2 in the Structural Engineering Practice Act of 1989, the
3 practice of professional engineering as defined in the
4 Professional Engineering Practice Act of 1989, or the
5 practice of land surveying as defined in the Illinois
6 Professional Land Surveyor Act of 1989.

7 (2) Services that constitute the practice of
8 architecture as defined in the Illinois Architecture
9 Practice Act of 1989, except as provided in this Act.

10 (3) Altering or affecting the structural system of a
11 building, including changing the building's live or dead
12 load on the structural system.

13 (4) Changes to the building envelope, including
14 exterior walls, exterior wall coverings, exterior wall
15 openings, exterior windows and doors, architectural trim,
16 balconies and similar projections, bay and oriel windows,
17 roof assemblies and rooftop structures, and glass and
18 glazing for exterior use in both vertical and sloped
19 applications in buildings and structures.

20 (5) Altering or affecting the mechanical, plumbing,
21 heating, air conditioning, ventilation, electrical,
22 vertical transportation, fire sprinkler, or fire alarm
23 systems.

24 (6) Changes beyond the exit access component of a
25 means of egress system.

26 (7) Construction that materially affects life safety

1 systems pertaining to fire safety or the fire protection
2 of structural elements, or alterations to smoke evacuation
3 and compartmentalization systems or to fire-rated vertical
4 shafts in multistory structures.

5 (8) Changes of use to an occupancy of greater hazard
6 as determined by the International Building Code.

7 (9) Changes to the construction classification of the
8 building or structure according to the International
9 Building Code.

10 "Public member" means a person who is not a registered
11 interior designer, educator in the field, architect,
12 structural engineer, ~~or professional engineer. For purposes of~~
13 ~~board membership, any, or a person who does not have any with a~~
14 ~~significant financial interest in the design or construction~~
15 services service or the design or construction professions
16 ~~profession is not a public member.~~

17 "Registered interior designer" means a person who has
18 received registration under Section 8 of this Act. A person
19 represents oneself ~~himself or herself~~ to be a "registered
20 interior designer" within the meaning of this Act by holding
21 oneself ~~if he or she holds himself or herself~~ out to the public
22 by any title incorporating the words "registered interior
23 designer" or any title that includes the words "registered
24 interior design".

25 "Responsible control" means the amount of control over
26 detailed professional knowledge of the content of interior

1 technical submissions during the preparation as is ordinarily
2 exercised by registered interior designers applying the
3 required professional standard of care. Merely reviewing or
4 reviewing and correcting an interior technical submission or
5 any portion thereof prepared by those not in the regular
6 employment of the office where the registered interior
7 designer is a resident without control over the content of
8 such work throughout its preparation does not constitute
9 responsible control.

10 "Secretary" means the Secretary of Financial and
11 Professional Regulation.

12 (Source: P.A. 102-20, eff. 1-1-22; 102-1066, eff. 1-1-23;
13 103-154, eff. 6-30-23.)

14 (225 ILCS 310/4) (from Ch. 111, par. 8204)

15 (Section scheduled to be repealed on January 1, 2027)

16 Sec. 4. Title; application of Act.

17 (a) No individual shall, without a valid registration as a
18 registered interior designer issued by the Department, in any
19 manner hold oneself ~~himself or herself~~ out to the public as a
20 registered interior designer or attach the title "registered
21 interior designer" or any other name or designation which
22 would in any way imply that the person ~~he or she~~ is able to use
23 the title "registered interior designer" as defined in this
24 Act.

25 (a-5) Nothing in this Act shall be construed as preventing

1 or restricting the services offered or advertised by an
2 interior designer who is registered under this Act.

3 (b) Nothing in this Act shall prevent the employment, by a
4 registered interior designer association, partnership, or a
5 corporation furnishing interior design services for
6 remuneration, of persons not registered as interior designers
7 to perform services in various capacities as needed, provided
8 that the persons do not represent themselves as, or use the
9 title of, "registered interior designer".

10 (c) Nothing in this Act shall be construed to limit the
11 activities and use of the title "interior designer" on the
12 part of a person not registered under this Act who is a
13 graduate of an interior design program and a full-time
14 employee of a duly chartered institution of higher education
15 insofar as such person engages in public speaking, with or
16 without remuneration, provided that such person does not
17 represent oneself ~~himself or herself~~ to be a registered
18 interior designer or use the title "registered interior
19 designer".

20 (d) Nothing contained in this Act shall restrict any
21 person not registered under this Act from carrying out any of
22 the activities listed in the definition of "practice of
23 registered interior design" ~~"the profession of interior~~
24 ~~design"~~ in Section 3 if such person does not represent oneself
25 ~~himself or herself~~ or the person's ~~his or her~~ services in any
26 manner prohibited by this Act.

1 (e) Nothing in this Act shall be construed as preventing
2 or restricting the practice, services, or activities of any
3 person licensed in this State under any other law from
4 engaging in the profession or occupation for which that person
5 ~~he or she~~ is licensed.

6 (f) Nothing in this Act shall be construed as preventing
7 or restricting the practice, services, or activities of
8 engineers licensed under the Professional Engineering Practice
9 Act of 1989 or the Structural Engineering Practice Act of
10 1989; architects licensed pursuant to the Illinois
11 Architectural Practice Act of 1989; any interior decorator or
12 individual offering interior decorating services including,
13 but not limited to, the selection of surface materials, window
14 treatments, wall coverings, furniture, accessories, paint,
15 floor coverings, and lighting fixtures; or builders, home
16 furnishings salespersons, and similar purveyors of related
17 goods and services ~~relating to homemaking~~.

18 (g) Nothing in this Act or any other Act shall prevent a
19 licensed architect from practicing interior design services.
20 Nothing in this Act shall be construed as requiring the
21 services of a registered interior designer for the interior
22 designing of a single family residence.

23 (h) Nothing in this Act shall authorize registered
24 interior designers to perform services, including life safety
25 services that they are prohibited from performing, or any
26 practice: (i) that is restricted in the Professional

1 Engineering Practice Act of 1989, the Professional Land
2 Surveyor Act of 1989, or ~~of~~ the Structural Engineering
3 Practice Act of 1989; (ii) that is restricted in the Illinois
4 Architecture Practice Act of 1989, except as provided in this
5 Act; or (iii) that they are not authorized to perform under the
6 Environmental Barriers Act, except as provided in this Act.

7 (i) Nothing in this Act shall authorize registered
8 interior designers to advertise services that they are
9 prohibited to perform, including architecture or engineering
10 services, nor to use the title "architect" in any form.

11 (j) Nothing in this Act shall be construed as preventing
12 or restricting persons from engaging in professional services
13 limited to the design of kitchen and bath spaces or the
14 specification of products for kitchen and bath areas in
15 noncommercial settings.

16 (Source: P.A. 102-20, eff. 1-1-22; 102-1066, eff. 1-1-23.)

17 (225 ILCS 310/4.5)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 4.5. Unregistered practice; violation; civil penalty.

20 (a) Any person who holds oneself ~~himself or herself~~ out to
21 be a registered interior designer without being registered
22 under this Act shall, in addition to any other penalty
23 provided by law, pay a civil penalty to the Department in an
24 amount not to exceed \$5,000 for each offense as determined by
25 the Department. The civil penalty shall be assessed by the

1 Department after a hearing is held in accordance with the
2 provisions set forth in this Act regarding the provision of a
3 hearing for the discipline of a registrant.

4 (b) The Department has the authority and power to
5 investigate any illegal use of the title of registered
6 interior designer.

7 (c) The civil penalty shall be paid within 60 days after
8 the effective date of the order imposing the civil penalty.
9 The order shall constitute a judgment and may be filed and
10 execution had thereon in the same manner as any judgment from
11 any court of record.

12 (Source: P.A. 102-20, eff. 1-1-22.)

13 (225 ILCS 310/6) (from Ch. 111, par. 8206)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 6. Board of Registered Interior Design Professionals.
16 The Secretary shall appoint a Board of Registered Interior
17 Design Professionals consisting of 5 members who shall serve
18 in an advisory capacity to the Secretary. All members of the
19 Board shall be residents of Illinois. Four members shall (i)
20 hold a valid registration as an interior designer in Illinois
21 and have held the registration under this Act for the
22 preceding 10 years; and (ii) not have been disciplined within
23 the preceding 10 years under this Act. In addition to the 4
24 registered interior designer members, there shall be one
25 public member. The public member shall be a voting member and

1 shall not be licensed or registered under this Act or any other
2 design profession licensing Act that the Department
3 administers.

4 Board members shall serve 5-year terms and until their
5 successors are appointed and qualified. In appointing members
6 to the Board, the Secretary shall give due consideration to
7 recommendations by members and organizations of the interior
8 design profession.

9 The membership of the Board should reasonably reflect
10 representation from the geographic areas in this State.

11 No member shall be reappointed to the Board for a term that
12 would cause his or her continuous service on the Board to be
13 longer than 2 consecutive 5-year terms.

14 Appointments to fill vacancies shall be made in the same
15 manner as original appointments for the unexpired portion of
16 the vacated term.

17 Three members of the Board shall constitute a quorum. A
18 quorum is required for Board decisions.

19 The Secretary may remove any member of the Board for cause
20 at any time. The Secretary shall be the sole arbiter of cause.
21 ~~misconduct, incompetence, or neglect of duty or for reasons~~
22 ~~prescribed by law for removal of State officials.~~

23 The Secretary may remove a member of the Board who does not
24 attend 2 consecutive meetings.

25 ~~Notice of proposed rulemaking may be transmitted to the~~
26 ~~Board and the Department may review the response of the Board~~

1 ~~and any recommendations made therein. The Department may, at~~
2 ~~any time, seek the expert advice and knowledge of the Board on~~
3 ~~any matter relating to the administration or enforcement of~~
4 ~~this Act.~~

5 Members of the Board are not liable for damages in any
6 action or proceeding as a result of activities performed as
7 members of the Board, except upon proof of actual malice.

8 Members of the Board shall be reimbursed for all
9 legitimate, necessary, and authorized expenses.

10 (Source: P.A. 102-20, eff. 1-1-22.)

11 (225 ILCS 310/7) (from Ch. 111, par. 8207)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 7. Board recommendations. The Secretary may ~~shall~~
14 consider the recommendations of the Board in establishing
15 guidelines for professional conduct, for the conduct of formal
16 disciplinary proceedings brought under this Act, and for
17 establishing guidelines for qualifications of applicants.
18 Notice of proposed rulemaking may be transmitted to the Board
19 and the Department shall review the response of the Board and
20 any recommendations made in their response. The Department, at
21 any time, may seek the expert advice and knowledge of the Board
22 on any matter relating to the administration or enforcement of
23 this Act.

24 (Source: P.A. 102-20, eff. 1-1-22.)

1 (225 ILCS 310/8) (from Ch. 111, par. 8208)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 8. Application requirements for registration.

4 (a) Each applicant for registration shall apply to the
5 Department in writing on a form or electronically as provided
6 by the Department. The Department may require an applicant, at
7 the applicant's expense, to have an evaluation of the
8 applicant's education in a foreign country by a nationally
9 recognized evaluation service approved by the Department in
10 accordance with the rules adopted by the Department. Except as
11 otherwise provided in this Act, each applicant shall take and
12 pass the examination approved by the Department. Prior to
13 registration, the applicant shall provide substantial evidence
14 to the Board that the applicant has completed the education
15 and work experience requirements to sit for the NCIDQ
16 examination administered by the Council for Interior Design
17 Qualification, has successfully passed the NCIDQ examination
18 ~~exam~~, has maintained an active NCIDQ certification, and:

19 (1) is a graduate of a 5-year interior design or
20 architecture program from an accredited institution and
21 has completed at least 2 years of full-time diversified
22 interior design experience;

23 (2) is a graduate of a 4-year interior design or
24 architecture program from an accredited institution and
25 has completed at least 2 years of full-time diversified
26 interior design experience;

1 (3) has completed at least 3 years of interior design
2 or architecture curriculum from an accredited institution
3 and has completed 3 years of full-time diversified
4 interior design experience; or

5 (4) is a graduate of a 2-year interior design or
6 architecture program from an accredited institution and
7 has completed 4 years of full-time diversified interior
8 design experience.

9 (b) (Blank). ~~In addition to providing evidence of meeting~~
10 ~~the requirements of subsection (a), each applicant for~~
11 ~~registration as a registered interior designer shall provide~~
12 ~~substantial evidence that the applicant has successfully~~
13 ~~completed the examination administered by the Council for~~
14 ~~Interior Design Qualification.~~

15 (b-5) Each applicant for registration shall pay to the
16 Department the required registration fee, which is not
17 refundable, at the time of filing the application.

18 (b-10) Each applicant for renewal or reinstatement of
19 registration under this Act shall have completed continuing
20 education as set forth by the Department by rule. The
21 Department shall consider the recommendations of the Board in
22 establishing requirements for continuing education
23 requirements but shall be no less than 10 hours of continuing
24 education in the areas of health, safety, and welfare every 2
25 years.

26 (c) Applicants have 3 years from the date of application

1 to complete the application process. If the process has not
2 been completed in 3 years, the application shall expire, the
3 fee shall be forfeited, and the applicant must reapply and
4 meet the requirements in effect at the time of reapplication.

5 ~~An individual may apply for original registration prior to~~
6 ~~passing the examination. The individual shall have 3 years~~
7 ~~after the date of filing an application to pass the~~
8 ~~examination. If evidence and documentation of passing the~~
9 ~~examination are received by the Department later than 3 years~~
10 ~~after the individual's filing, the application shall be denied~~
11 ~~and the fee forfeited. The applicant may reapply at any time,~~
12 ~~but shall meet the requirements in effect at the time of~~
13 ~~reapplication.~~

14 (d) Upon payment of the required fee, which shall be
15 determined by rule, an applicant who is an architect licensed
16 under the laws of this State may, without examination, be
17 granted registration as a registered interior designer by the
18 Department provided the applicant submits proof of an active
19 architectural license in Illinois.

20 (Source: P.A. 102-1066, eff. 1-1-23; 103-1044, eff. 1-1-25.)

21 (225 ILCS 310/9) (from Ch. 111, par. 8209)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 9. Expiration; renewal; restoration.

24 (a) The expiration date and renewal period for each
25 certificate of registration issued under this Act shall be set

1 by rule. A registrant may renew such registration during the
2 month preceding its expiration date by paying the required
3 renewal fee.

4 (b) Inactive status.

5 (1) Any registrant who notifies the Department in
6 writing on forms prescribed by the Department may elect to
7 place that person's ~~his or her~~ certificate of registration
8 on an inactive status and shall, subject to rules of the
9 Department, be excused from payment of renewal fees until
10 that person ~~he or she~~ notifies the Department in writing
11 of that person's ~~his or her~~ desire to resume active
12 status.

13 (2) Any registrant requesting restoration from
14 inactive status shall be required to pay the current
15 renewal fee and shall be required to restore the ~~his or her~~
16 registration.

17 (3) Any registrant whose registration is on inactive
18 status shall not use the title "registered interior
19 designer" in the State of Illinois.

20 (4) Any registrant who uses the title "registered
21 interior designer" while the registrant's ~~his or her~~
22 certificate of registration is lapsed or inactive shall be
23 considered to be using the title without a registration
24 which shall be grounds for discipline under Section 13 of
25 this Act.

26 (c) Any registrant whose registration has expired may have

1 the registrant's ~~his or her~~ certificate of registration
2 restored at any time within 5 years after its expiration, upon
3 making application to the Department and payment of the
4 required fee.

5 (d) Any registrant ~~person~~ whose registration has been
6 expired for more than 5 years may have the registrant's ~~his or~~
7 ~~her~~ registration restored by making application to the
8 Department and submitting ~~filing~~ proof acceptable to the
9 Department of the registrant's ~~his or her~~ fitness to have the
10 registrant's ~~his or her~~ registration restored, including, but
11 not limited to, sworn evidence certifying to active practice
12 in another jurisdiction satisfactory to the Department and
13 proof of completion of applicable continuing education,
14 ~~including sworn evidence certifying to active lawful practice~~
15 ~~in another jurisdiction,~~ and by paying the required
16 restoration fee. A person using the title "registered interior
17 designer" on an expired registration is deemed to be in
18 violation of this Act.

19 (e) If a person whose certificate of registration has
20 expired has not maintained active status in another
21 jurisdiction, the Department shall determine, by an evaluation
22 process established by rule, that person's ~~his or her~~ fitness
23 to resume active status, including by requiring ~~and may~~
24 ~~require~~ the person to complete a period of evaluated practical
25 experience, and also requiring ~~may require~~ successful
26 completion of an examination.

1 (f) Any person whose certificate of registration has
2 expired while that person ~~he or she~~ has been engaged (1) in
3 federal or State service active duty, or (2) in training or
4 education under the supervision of the United States
5 preliminary to induction into the military service, may have
6 that person's ~~his or her~~ registration restored without paying
7 any lapsed renewal or restoration fee if, within 2 years after
8 termination of such service, training or education, that
9 person ~~he or she~~ furnishes the Department with satisfactory
10 proof that the person ~~he or she~~ has been so engaged and that
11 the person's ~~his or her~~ service, training, or education has
12 been so terminated.

13 (g) An individual applying for restoration of a
14 registration shall have 3 years from the date of application
15 to complete the application process. If the process has not
16 been completed in 3 years, the application shall expire ~~be~~
17 ~~denied~~ and the fee forfeited. The applicant may reapply at any
18 time.

19 (Source: P.A. 100-920, eff. 8-17-18.)

20 (225 ILCS 310/10) (from Ch. 111, par. 8210)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 10. Endorsement.

23 (a) Upon payment of the required fee and the filing of an
24 application in writing on a form or electronically as provided
25 by the Department, an applicant who is an interior designer

1 currently registered, certified, or licensed under the laws of
2 another state or territory of the United States or a foreign
3 country or province shall, without further examination, be
4 granted registration as an interior designer by the Department
5 whenever the requirements of such state or territory of the
6 United States or a foreign country or province were, at the
7 date of registration, certification, or licensure,
8 substantially equal to or greater than the requirements then
9 in force in this State. The Department may adopt rules
10 governing recognition of education and legal practice of the
11 profession in another jurisdiction, requiring additional
12 education, and determining when an examination may be
13 required.

14 (b) If the accuracy of any submitted documentation or
15 relevance or sufficiency of the coursework or experience is
16 questioned by the Department or the Board because of a lack of
17 information, discrepancies, or conflicts in information given,
18 or a need for clarification, the applicant seeking
19 registration may be required to provide additional
20 information.

21 (c) Applicants have 3 years from the date of application
22 to complete the application process. If the process has not
23 been completed within the 3 years, then the application shall
24 expire ~~be denied~~, the fee shall be forfeited, and the
25 applicant must reapply and meet the requirements in effect at
26 the time of reapplication.

1 (Source: P.A. 103-1044, eff. 1-1-25.)

2 (225 ILCS 310/11) (from Ch. 111, par. 8211)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 11. Fees. The Department shall provide by rule for a
5 schedule of fees for the administration and enforcement of
6 this Act, including but not limited to original registration,
7 renewal, and restoration. The fees shall be nonrefundable.

8 ~~All fees collected under this Act shall be deposited into~~
9 ~~the General Professions Dedicated Fund and shall be~~
10 ~~appropriated to the Department for the ordinary and contingent~~
11 ~~expenses of the Department in the administration of this Act.~~

12 (Source: P.A. 102-20, eff. 1-1-22.)

13 (225 ILCS 310/12) (from Ch. 111, par. 8212)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 12. Returned checks; penalties. Any person who
16 delivers a check or other payment to the Department that is
17 returned to the Department unpaid by the financial institution
18 upon which it is drawn shall pay to the Department, in addition
19 to the amount already owed to the Department, a fine of \$50.
20 The fines imposed by this Section are in addition to any other
21 discipline provided under this Act for prohibited use of a
22 title without a registration or on a nonrenewed registration.
23 The Department shall notify the person that payment of fees
24 and fines shall be paid to the Department by certified check or

1 money order within 30 calendar days of the notification. If,
2 after the expiration of 30 days from the date of the
3 notification, the person has failed to submit the necessary
4 remittance, the Department shall automatically terminate the
5 registration or deny the application, without hearing. If,
6 after termination or denial, the person seeks registration,
7 the person ~~he or she~~ shall apply to the Department for
8 restoration or issuance of the registration and pay all fees
9 and fines due to the Department. The Department may establish
10 a fee for the processing of an application for restoration of a
11 certificate of registration to pay all expenses of processing
12 this application. The Director may waive the fines due under
13 this Section in individual cases where the Director finds that
14 the fines would be unreasonable or unnecessarily burdensome.

15 (Source: P.A. 92-146, eff. 1-1-02.)

16 (225 ILCS 310/14) (from Ch. 111, par. 8214)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 14. Investigations; Notice of hearing. Upon the
19 motion of either the Department or the Board, or upon the
20 verified complaint in writing of any person setting forth
21 facts which, if proven, would constitute grounds for refusal,
22 suspension, or revocation of registration under this Act, the
23 Board shall investigate the actions of any person, hereinafter
24 called the "registrant", who holds or represents that the
25 person ~~he~~ holds a certificate of registration. All such

1 motions or complaints shall be brought to the Board.

2 The Director shall, before suspending, revoking, placing
3 on probationary status, or taking any other disciplinary
4 action as the Director may deem proper with regard to any
5 registration, at least 30 days prior to the date set for the
6 hearing, notify the registrant in writing of any charges made
7 and the time and place for a hearing on the charges before the
8 Board. The Board shall also direct the registrant to file a ~~his~~
9 written answer to the charges with the Board under oath within
10 20 days after the service on the registrant ~~him~~ of such notice,
11 and inform the registrant ~~him~~ that if the registrant ~~he~~ fails
12 to file such answer, the registrant's ~~his~~ certificate of
13 registration may be suspended, revoked, placed on probationary
14 status or other disciplinary action may be taken with regard
15 thereto, as the Director may deem proper.

16 The written notice and any notice in such proceeding may
17 be served by delivery personally to the registrant, by email,
18 or by ~~registered or certified~~ mail to the address specified by
19 the registrant in the registrant's ~~his~~ last notification to
20 the Director.

21 The Department, at its expense, shall preserve a record of
22 all proceedings at the formal hearing of any case involving
23 the refusal to issue or renew a registration, or discipline of
24 a registrant. The notice of hearing, complaint, and all other
25 documents in the nature of pleadings and written motions filed
26 in the proceedings, the transcript of testimony, the report of

1 the Board, and the orders of the Department shall be the record
2 of such proceedings.

3 (Source: P.A. 102-20, eff. 1-1-22.)

4 (225 ILCS 310/15) (from Ch. 111, par. 8215)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 15. Disciplinary actions.

7 (a) In case the registrant, after receiving notice, fails
8 to file an answer, the registrant's ~~his~~ registration may, in
9 the discretion of the Director, having first received the
10 recommendation of the Board, be suspended, revoked, placed on
11 probationary status, or the Director may take whatever
12 disciplinary action the Director ~~he~~ may deem proper, including
13 the imposition of a fine, without a hearing, if the act or acts
14 charged constitute sufficient grounds for such action under
15 this Act.

16 (b) The Director may temporarily suspend the registration
17 of a registrant without a hearing, simultaneous to the
18 institution of proceedings for a hearing under this Act, if
19 the Director finds that evidence in the Director's ~~his~~
20 possession indicates that the person's continuation of use of
21 the title would constitute an immediate danger to the public.
22 In the event that the Director temporarily suspends the
23 registration of a registrant without a hearing, a hearing by
24 the Board must be held within 15 days after such suspension has
25 occurred and concluded without appreciable delay.

1 (Source: P.A. 88-650, eff. 9-16-94.)

2 (225 ILCS 310/18) (from Ch. 111, par. 8218)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 18. Recommendations for disciplinary action; Action
5 by Director. The Board may advise the Director that probation
6 be granted or that other disciplinary action, including the
7 limitation of the use of the title, be taken, as it deems
8 proper. If disciplinary action other than suspension or
9 revocation is taken, the Board may advise the Director to
10 impose reasonable limitations and requirements upon the
11 registrant to ensure ~~insure~~ compliance with the terms of the
12 probation or other disciplinary action, including, but not
13 limited to, regular reporting by the registrant to the
14 Director of the registrant's ~~his~~ actions, or the registrant
15 placing oneself ~~himself~~ under the care of a qualified
16 physician for treatment, or limiting the registrant's ~~his~~ use
17 of the title in such manner as the Director may require.

18 The Board shall present to the Director a written report
19 of its findings and recommendations. A copy of the report
20 shall be served upon the registrant, by email, ~~either~~
21 ~~personally~~, or by ~~registered or certified~~ mail. Within 20 days
22 after such service, the registrant may present to the
23 Department the registrant's ~~his~~ motion in writing for a
24 rehearing, specifying the particular grounds for rehearing. If
25 the registrant orders and pays for a transcript of the record,

1 the time elapsing until the transcript is ready for delivery
2 to the registrant ~~him~~ shall not be counted as part of such 20
3 days.

4 At the expiration of the time allowed for filing a motion
5 for rehearing, the Director may take the action recommended by
6 the Board. Upon suspension, revocation, placement on
7 probationary status, or the taking of any other disciplinary
8 action, including the limiting of the use of the title, deemed
9 proper by the Director with regard to the registration, the
10 registrant shall surrender the ~~his~~ certificate of registration
11 to the Department if ordered to do so by the Department. Upon
12 the registrant's ~~his~~ failure or refusal to do so, the
13 Department may seize the certificate of registration.

14 In all instances in which the Board has rendered a
15 recommendation to the Director with respect to a particular
16 person, the Director shall, to the extent that the Director ~~he~~
17 disagrees with or takes action contrary to the recommendation
18 of the Board, file with the Board his specific written reasons
19 of disagreement. Such reasons shall be filed within 30 days
20 after the Director has taken the contrary position.

21 Each order of revocation, suspension, or other
22 disciplinary action shall contain a brief and concise
23 statement of the ground or grounds upon which the Department's
24 action is based, as well as the specific terms and conditions
25 of such action.

26 Whenever the Director is satisfied that substantial

1 justice has not been done either in an examination or in the
2 revocation, suspension, or refusal to issue a certificate of
3 registration, or other disciplinary action, the Director may
4 order a re-examination or rehearing.

5 (Source: P.A. 86-1404.)

6 (225 ILCS 310/19) (from Ch. 111, par. 8219)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 19. Hearing officer. The Director has the authority
9 to appoint any attorney duly licensed to practice law in the
10 State of Illinois to serve as the hearing officer for any
11 disciplinary action under this Act. The hearing officer shall
12 have full authority to conduct the hearing. The hearing
13 officer shall report the hearing officer's ~~his~~ findings and
14 recommendations to the Board and the Director. The Board shall
15 have 60 days from receipt of the report to review the report of
16 the hearing officer and present its findings of fact,
17 conclusions of law, and recommendations to the Director. If
18 the Board fails to present its report within the 60-day ~~60-day~~
19 period, the Director may issue an order based on the report of
20 the hearing officer. If the Director disagrees in any regard
21 with the Board's report, the Director ~~he~~ may issue an order in
22 contravention of the Board's report.

23 (Source: P.A. 86-1404.)

24 (225 ILCS 310/27) (from Ch. 111, par. 8227)

1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 27. Filing registration or diploma of another. Any
3 person filing, or attempting to file, as the person's ~~his~~ own
4 the diploma or registration of another, or a forged affidavit
5 of identification or qualification, is guilty of a Class 3
6 felony, and upon conviction is subject to such fine and
7 imprisonment as is made and provided by the statutes of this
8 State for the crime of forgery.

9 (Source: P.A. 86-1404.)

10 (225 ILCS 310/30) (from Ch. 111, par. 8230)

11 (Section scheduled to be repealed on January 1, 2027)

12 Sec. 30. Fund; appropriations; investments; audits. All of
13 the fees collected pursuant to this Act shall be deposited
14 into the Design Professionals Administration and Investigation
15 ~~General Professions Dedicated~~ Fund.

16 The moneys deposited into ~~in~~ the Design Professionals
17 Administration and Investigation ~~General Professions Dedicated~~
18 Fund may be used for the expenses of the Department in the
19 administration of this Act.

20 ~~Moneys from the Fund may also be used for direct and~~
21 ~~allocable indirect costs related to the public purposes of the~~
22 ~~Department of Professional Regulation. Moneys in the Fund may~~
23 ~~be transferred to the Professions Indirect Cost Fund as~~
24 ~~authorized by Section 2105-300 of the Department of~~
25 ~~Professional Regulation Law.~~

1 Upon the completion of any audit of the Department as
2 prescribed by the Illinois State Auditing Act that includes an
3 audit of the Design Professionals Administration and
4 Investigation ~~General Professions Dedicated~~ Fund, the
5 Department shall make the audit open to inspection by any
6 interested person. The copy of the audit report required to be
7 submitted to the Department by this Section is in addition to
8 copies of audit reports required to be submitted to other
9 State officers and agencies by Section 3-14 of the Illinois
10 State Auditing Act.

11 (Source: P.A. 102-20, eff. 1-1-22.)

12 Section 25. The Landscape Architecture Registration Act is
13 amended by changing Sections 10, 20, 23, 25, 30, 33, 34, 48,
14 50, 55, 60, 70, 80, 85, 95, and 110 as follows:

15 (225 ILCS 316/10)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 10. Definitions. For purposes of ~~As used in~~ this Act,
18 the following definitions shall have the following meanings,
19 except where the context requires otherwise:

20 "Address of record" means the designated address recorded
21 by the Department in the applicant's application file or
22 registrant's registration file as maintained by the
23 Department.

24 "Board" means the Registered Landscape Architecture

1 Registration Board.

2 "Department" means the Department of Financial and
3 Professional Regulation.

4 "Email address of record" means the designated email
5 address of record by the Department in the applicant's
6 application file or registrant's registration file as
7 maintained by the Department's licensure maintenance unit
8 ~~Department~~.

9 "Landscape architecture" means the art and science of
10 arranging land, together with the spaces and objects upon it,
11 for the purpose of creating a safe, efficient, healthful, and
12 aesthetically pleasing physical environment for human use and
13 enjoyment, as performed by landscape architects.

14 "Landscape architectural practice" or "practice of
15 landscape architecture" means the offering or furnishing of
16 professional services in connection with a landscape
17 architecture project that do not require the seal of an
18 architect, land surveyor, professional engineer, or structural
19 engineer. These services may include, but are not limited to,
20 providing preliminary studies; developing design concepts;
21 planning for the relationships of physical improvements and
22 intended uses of the site, including the preparation and
23 filing of sketches, drawings, plans, and specifications;
24 establishing form and aesthetic elements; developing those
25 technical details on the site that are exclusive of any
26 building or structure; preparing and administering

1 ~~coordinating~~ technical submissions; and conducting site
2 observation of a landscape architecture project.

3 "Registered landscape architect" means a person who, based
4 on education, experience, and examination in the field of
5 landscape architecture, is registered under this Act.

6 "Secretary" means the Secretary of Financial and
7 Professional Regulation. The Secretary may designate the
8 Secretary's ~~his or her~~ duties under this Act to a designee of
9 the Secretary's ~~his or her~~ choice, including, but not limited
10 to, the Director of Professional Regulation.

11 (Source: P.A. 102-284, eff. 8-6-21; 103-309, eff. 1-1-24.)

12 (225 ILCS 316/20)

13 (Section scheduled to be repealed on January 1, 2027)

14 Sec. 20. Seal.

15 (a) Every registered landscape architect shall have a
16 reproducible seal, which may be computer generated, the
17 impression of which shall contain the name of the registered
18 landscape architect, the registered landscape architect's
19 registration number, and the words "Registered Landscape
20 Architect, State of Illinois". The registered landscape
21 architect shall be responsible for the registered landscape
22 architect's ~~his or her~~ seal and signature as defined by rule.

23 (b) Notwithstanding the requirements of this Section, an
24 architect, land surveyor, professional engineer, or structural
25 engineer licensed by the Department shall be permitted to

1 affix the architect's, land surveyor's, professional
2 engineer's, or structural engineer's ~~his or her~~ seal to any
3 plans, specifications, and reports prepared by or under his or
4 her supervision in connection with the incidental practice of
5 landscape architecture.

6 (c) For all plans, specifications, or other technical
7 submissions prepared or issued by the registered landscape
8 architect and filed for public record, the registered
9 landscape architect shall affix the registered landscape
10 architect's signature, current date, date of registration
11 expiration, and a form of seal as prescribed by rule.

12 (d) The registered landscape architect's signature, date,
13 and seal shall be evidence of the authenticity of that to which
14 the signature, date, and seal are affixed. Any and all
15 technical submissions may be transmitted electronically and
16 may be signed by the registered landscape architect, dated,
17 and sealed electronically with said seal.

18 (Source: P.A. 102-284, eff. 8-6-21.)

19 (225 ILCS 316/23)

20 (Section scheduled to be repealed on January 1, 2027)

21 Sec. 23. Technical submissions.

22 (a) As used in this Act ~~Section~~, "technical submissions"
23 includes the designs, drawings, plans, and specifications, and
24 reports that establish the scope of a landscape architecture
25 project; the standard of quality for materials, workmanship,

1 equipment, and systems; and the studies and other technical
2 reports and calculations prepared in the course of the
3 practice of landscape architecture.

4 (b) A registered landscape architect shall not exercise
5 authority in preparing technical submissions that require the
6 involvement of an architect, professional engineer, structural
7 engineer, or professional land surveyor licensed in Illinois.

8 (c) The registered landscape architect who has contract
9 responsibility shall seal a cover sheet of the technical
10 submissions and those individual portions of the technical
11 submissions for which the registered landscape architect is
12 legally and professionally responsible.

13 (Source: P.A. 102-284, eff. 8-6-21.)

14 (225 ILCS 316/25)

15 (Section scheduled to be repealed on January 1, 2027)

16 Sec. 25. Display of registration. Every holder of a
17 registered landscape architect registration shall display the
18 holder's ~~his or her~~ certificate of registration in a
19 conspicuous place in the holder's ~~his or her~~ principal office,
20 place of business, or place of employment.

21 (Source: P.A. 102-284, eff. 8-6-21.)

22 (225 ILCS 316/30)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 30. Address of record; email address of record. All

1 applicants and registrants shall:

2 (1) provide a valid address and email address to the
3 Department, which shall serve as the address of record and
4 email address of record, respectively, at the time of
5 application for registration or renewal of registration;
6 and

7 (2) inform the Department of any change of address of
8 record or email address of record within 14 days after the
9 ~~such~~ change, either through the Department's website or by
10 contacting the Department's licensure maintenance unit
11 Department.

12 (Source: P.A. 102-284, eff. 8-6-21.)

13 (225 ILCS 316/33)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 33. Registered Landscape Architecture Registration
16 Board.

17 (a) The Secretary shall appoint a Registered Landscape
18 Architecture Registration Board. The Board shall consist of 5
19 persons who shall serve in an advisory capacity to the
20 Secretary. All members of the Board shall be residents of
21 Illinois. Four members shall be registered under this Act and
22 have not been disciplined within the last 10-year period under
23 this Act or the Illinois Landscape Architecture Act of 1989.
24 In addition to the 4 registered landscape architects, there
25 shall be one public member. The public member shall be a voting

1 member and shall not be registered under this Act or licensed
2 under any other design profession licensing Act that the
3 Department administers.

4 (b) Board members shall serve 5-year terms and until their
5 successors are appointed and qualified.

6 (c) In appointing members to the Board, the Secretary
7 shall give due consideration to recommendations by members and
8 organizations of the landscape architecture profession.

9 (d) The membership of the Board should reasonably reflect
10 representation from the geographic areas in this State.

11 (e) No member shall be reappointed to the Board for a term
12 that would cause the member's ~~his or her~~ continuous service on
13 the Board to be longer than 2 consecutive 5-year terms.

14 (f) An appointment to fill a vacancy for the unexpired
15 portion of the vacated term shall be made in the same manner as
16 an initial appointment.

17 (g) Three members shall constitute a quorum. A quorum is
18 required for Board decisions.

19 (h) The Secretary may terminate or refuse the appointment
20 of any member of the Board for cause that, in the opinion of
21 the Secretary, reasonably justified such termination, which
22 may include, but is not limited to, a Board member who does not
23 attend 2 consecutive meetings.

24 (i) Members of the Board may be reimbursed for all
25 legitimate, necessary, and authorized expenses.

26 (j) (Blank). ~~The Department may at any time seek the~~

1 ~~expert advice and knowledge of the Board on any matter~~
2 ~~relating to the enforcement of this Act.~~

3 (k) Members of the Board shall be immune from suit in any
4 action based upon any disciplinary proceedings or other acts
5 performed in good faith as members of the Board, unless the
6 conduct that gave rise to the suit was willful and wanton
7 misconduct.

8 (Source: P.A. 102-284, eff. 8-6-21.)

9 (225 ILCS 316/34)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 34. Powers and duties of the Board.

12 (a) The Board shall ~~meet~~ ~~hold~~ at least once per ~~one meeting~~
13 ~~each~~ year or as otherwise called by the Secretary, with any
14 such meeting conducted in accordance with the Open Meetings
15 Act.

16 (b) The Board shall annually elect a chairperson and a
17 vice chairperson who shall be registered landscape architects.

18 (c) The Department may, at any time, seek the expert
19 advice and knowledge of the Board on any matter relating to the
20 enforcement of this Act, including, but not limited to,
21 qualifications of applicants for registration.

22 (Source: P.A. 102-284, eff. 8-6-21.)

23 (225 ILCS 316/48)

24 Sec. 48. Endorsement.

1 (a) The Department may issue a registration as a landscape
2 architect to an applicant who submits a valid application
3 accompanied by the required fee and is a landscape architect
4 licensed, ~~or~~ registered, certified, or otherwise authorized
5 under the laws of another state, the District of Columbia, a
6 territory of the United States, or a foreign country if the
7 requirements for licensure, registration, ~~or~~ certification, or
8 authorization in that other jurisdiction were, on the date of
9 original licensure, registration, or certification,
10 substantially equivalent to the requirements then in force in
11 this State.

12 (b) An application for endorsement shall provide proof of
13 passage of an examination required for registration.

14 (c) If the accuracy of any submitted documentation or
15 relevance or sufficiency of the coursework or experience is
16 questioned by the Department or the Board because of a lack of
17 information, discrepancies, or conflicts in information given
18 or a need for clarification, the applicant seeking
19 registration may be required to provide additional
20 information.

21 (d) An applicant has 3 years from the date of application
22 to complete the application process. If the process has not
23 been completed in 3 years, the application shall be expired
24 ~~denied~~, the fee forfeited, and the applicant must reapply and
25 meet the requirements in effect at the time of reapplication.

26 (e) (Blank). ~~This Section is repealed on January 1, 2027.~~

1 (Source: P.A. 103-1044, eff. 1-1-25.)

2 (225 ILCS 316/50)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 50. Registration, renewal, and restoration.

5 (a) The expiration date and renewal period for each
6 certificate of registration issued under this Act shall be
7 established by rule. A registrant may renew a certificate of
8 registration during the month preceding its expiration date by
9 paying the required fee.

10 (b) A registered landscape architect who has permitted the
11 registered landscape architect's ~~his or her~~ registration to
12 expire or has had the registered landscape architect's ~~his or~~
13 ~~her~~ registration placed on inactive status may have the
14 registered landscape architect's ~~his or her~~ registration
15 restored by making application to the Department and filing
16 proof acceptable to the Department of the registered landscape
17 architect's ~~his or her~~ fitness to have the registered
18 landscape architect's ~~his or her~~ registration restored,
19 including, but not limited to, sworn evidence certifying
20 active lawful practice in another jurisdiction satisfactory to
21 the Department and by paying the required fee as determined by
22 rule.

23 (c) A registered landscape architect whose registration
24 expired while engaged (1) in federal service on active duty
25 with the Armed Forces of the United States or the State Militia

1 called into service or training or (2) in training or
2 education under the supervision of the United States
3 preliminary to induction into the military service, may have a
4 registration restored or reinstated without paying any lapsed
5 reinstatement, renewal, or restoration fees if, within 2 years
6 after termination, other than by dishonorable discharge, of
7 such service, training, or education, and the Department is
8 furnished with satisfactory evidence that the registrant has
9 been so engaged in the practice of landscape architecture and
10 that such service, training, or education has been so
11 terminated.

12 (Source: P.A. 102-284, eff. 8-6-21.)

13 (225 ILCS 316/55)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 55. Prior registrations under the Illinois Landscape
16 Architecture Act of 1989. A person who was actively registered
17 under the Illinois Landscape Architecture Act of 1989 and had
18 renewed the person's ~~his or her~~ registration before January 1,
19 2020, may have the person's ~~his or her~~ registration restored
20 without fee upon the effective date of the rules adopted under
21 this Act.

22 (Source: P.A. 102-284, eff. 8-6-21.)

23 (225 ILCS 316/60)

24 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 60. Inactive status.

2 (a) A person registered under this Act who notifies the
3 Department in writing on forms or electronically as prescribed
4 by the Department may elect to place the person's ~~his or her~~
5 registration on inactive status and shall, subject to rules of
6 the Department, be excused from payment of renewal fees until
7 the person ~~he or she~~ notifies the Department in writing on
8 forms or electronically as prescribed by the Department of the
9 person's ~~his or her~~ desire to resume active status.

10 (b) Any registrant whose registration is on inactive
11 status shall not use the title "registered landscape
12 architect" or "landscape architect" in the State of Illinois.

13 (c) Any registrant who uses the title "registered
14 landscape architect" or "landscape architect" while the
15 registrant's ~~his or her~~ registration is inactive shall be
16 considered to be using the title without a registration that
17 shall be grounds for discipline under this Act.

18 (Source: P.A. 102-284, eff. 8-6-21.)

19 (225 ILCS 316/70)

20 (Section scheduled to be repealed on January 1, 2027)

21 Sec. 70. Disposition of funds. All ~~of the~~ fees collected
22 as authorized under this Act shall be deposited into the
23 Design Professionals Administration and Investigation General
24 Professions Dedicated Fund. The moneys deposited into the
25 Design Professionals Administration and Investigation General

1 ~~Professions Dedicated~~ Fund may be used for the expenses of the
2 Department in the administration of this Act. Moneys from the
3 Fund may also be used for direct and allocable indirect costs
4 related to the public purposes of the Department of Financial
5 and Professional Regulation. Moneys in the Fund may be
6 transferred to the Professions Indirect Cost Fund as
7 authorized by Section 2105-300 of the Department of
8 Professional Regulation Law of the Civil Administrative Code
9 of Illinois.

10 (Source: P.A. 102-284, eff. 8-6-21.)

11 (225 ILCS 316/80)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 80. Unauthorized practice; violation ~~Violation;~~
14 ~~injunction; cease and desist order;~~ civil penalty.

15 (a) If any person violates the provisions of this Act, the
16 Secretary may, in the name of the People of the State of
17 Illinois, through the Attorney General of the State of
18 Illinois or the State's Attorney of any county in which the
19 action is brought, petition for an order enjoining such
20 violation and for an order enforcing compliance with this Act.
21 Upon the filing of a verified petition in court, the court may
22 issue a temporary restraining order, without notice or bond,
23 and may preliminarily and permanently enjoin such violation.
24 If it is established that such person has violated or is
25 violating the injunction, the Court may punish the offender

1 for contempt of court. Proceedings under this Section shall be
2 in addition to, and not in lieu of, all other remedies and
3 penalties provided by this Act.

4 (b) Whoever holds oneself ~~himself or herself~~ out as a
5 "registered landscape architect", "landscape architect", or
6 any other name or designation that would in any way imply that
7 the person ~~he or she~~ is able to use the title "registered
8 landscape architect" or "landscape architect" without being
9 registered under this Act shall be guilty of a Class A
10 misdemeanor, and for each subsequent conviction shall be
11 guilty of a Class 4 felony.

12 (c) Any person who holds oneself out as a "registered
13 landscape architect", "landscape architect", or any other name
14 or designation that would in any way imply that the person is
15 able to use the title "registered landscape architect" or
16 "landscape architect" shall, in addition to any other penalty
17 provided by law, pay a civil penalty to the Department in an
18 amount not to exceed \$10,000 for each offense, as determined
19 by the Department. The civil penalty shall be assessed by the
20 Department after a hearing is held in accordance with the
21 provisions set forth in this Act regarding the provision of a
22 hearing for the discipline of a licensee.

23 (d) The Department may investigate any actual, alleged, or
24 suspected unauthorized activity.

25 (e) The civil penalty shall be paid within 60 days after
26 the effective date of the order imposing the civil penalty.

1 The order shall constitute a judgment and may be filed and
2 executed thereon in the same manner as any judgment from any
3 court of record.

4 (f) Each day that a violation occurs constitutes a
5 separate offense. Any civil penalties imposed shall be payable
6 to the Department.

7 (Source: P.A. 102-284, eff. 8-6-21.)

8 (225 ILCS 316/85)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 85. Grounds for discipline.

11 (a) The Department may refuse to issue or to renew a
12 certificate of registration, or may revoke, suspend, place on
13 probation, reprimand, or take other disciplinary or
14 nondisciplinary action the Department may deem proper,
15 including fines not to exceed \$10,000 for each violation, with
16 regard to any certificate of registration issued under this
17 Act, for any one or combination of the following reasons:

18 (1) Material misstatement in furnishing information to
19 the Department.

20 (2) Negligent or intentional disregard of this Act or
21 rules adopted under this Act.

22 (3) Conviction of or plea of guilty or nolo
23 contendere, finding of guilt, jury verdict, or entry of
24 judgment or sentencing, including, but not limited to,
25 convictions, preceding sentences of supervision,

1 conditional discharge, or first offender probation under
2 the laws of any jurisdiction of the United States that is
3 (i) a felony, (ii) a misdemeanor, an essential element of
4 which is dishonesty, or (iii) any crime that is directly
5 related to the practice of landscape architecture.

6 (4) Making any misrepresentations for the purpose of
7 obtaining a certificate of registration.

8 (5) Professional incompetence or gross negligence in
9 the rendering of landscape architectural services.

10 (6) Aiding or assisting another person in violating
11 any provision of this Act or any rules and regulations
12 issued pursuant to this Act.

13 (7) Failing to provide information within 60 days in
14 response to a written request made by the Department.

15 (8) Engaging in dishonorable, unethical, or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public.

18 (9) Habitual or excessive use or abuse of drugs
19 defined by law as controlled substances, alcohol,
20 narcotics, stimulants, or any other substances that
21 results in the inability to practice with reasonable
22 judgment, skill, or safety.

23 (10) Discipline by another jurisdiction, if at least
24 one of the grounds for the discipline is the same or
25 substantially equivalent to those set forth in this
26 Section.

1 (11) Directly or indirectly giving to or receiving
2 from any person, firm, corporation, partnership, or
3 association any fee, commission, rebate, or other form of
4 compensation for any professional service not actually
5 rendered.

6 (12) A finding by the Department that the registrant,
7 after having the registration placed on probationary
8 status, has violated or failed to comply with the terms of
9 probation.

10 (13) A finding by the Department that the registrant
11 has failed to pay a fine imposed by the Department.

12 (14) Being named as a perpetrator in an indicated
13 report by the Department of Children and Family Services
14 under the Abused and Neglected Child Reporting Act, and
15 upon proof by clear and convincing evidence that the
16 registrant has caused a child to be an abused child or
17 neglected child as defined in the Abused and Neglected
18 Child Reporting Act.

19 (15) Solicitation of professional services by ~~using~~
20 ~~false or misleading~~ advertising in any manner that is
21 false, misleading, or deceptive.

22 (16) Inability to practice the profession with
23 reasonable judgment, skill, or safety as a result of
24 physical illness, including, but not limited to,
25 deterioration through the aging process, loss of motor
26 skill, mental illness, or disability.

1 (17) Using or attempting to use an expired, inactive,
2 suspended, ~~or~~ revoked, canceled, nonrenewed, or otherwise
3 inoperative registration, using ~~or~~ the seal of another
4 registrant, or impersonating another registrant.

5 (18) Signing, affixing, or allowing the registered
6 landscape architect's seal to be affixed to any plans not
7 prepared by the registered landscape architect or under
8 the registered landscape architect's supervision.

9 (19) Practicing, attempting to practice, or
10 advertising under a name other than the full name as shown
11 on the certificate of registration or any other legally
12 authorized name.

13 (20) Performing any act or practice that is a
14 violation of the Consumer Fraud and Deceptive Business
15 Practices Act.

16 (21) Treating any person differently to the person's
17 detriment because of the person's race, color, creed,
18 gender, age, religion, or national origin.

19 (22) Violating any final administrative order of the
20 Secretary.

21 (23) Gross and willful overcharging for professional
22 services, including filing false statements for the
23 collection of fees or moneys for which services are not
24 rendered.

25 (b) The Department may refuse to issue or may suspend the
26 registration of any person who fails to file a return, fails to

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

6 (c) The determination or entry of a decree by any circuit
7 court establishing that any person holding a certificate of
8 registration under this Act is a person subject to involuntary
9 admission under the Mental Health and Developmental
10 Disabilities Code shall operate as a suspension of that
11 registration. That person may resume using the title
12 "registered landscape architect" or "landscape architect" only
13 upon a finding by the Department that the person ~~he or she~~ has
14 been determined to be no longer subject to involuntary
15 admission by the court and meeting the requirements for
16 restoration as required by this Act and its rules.

17 (Source: P.A. 102-284, eff. 8-6-21.)

18 (225 ILCS 316/95)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 95. Record of proceedings.

21 (a) The Department, at its expense, shall provide a
22 certified shorthand reporter to take down the testimony and
23 preserve a record of all proceedings in which a registrant may
24 have their registration revoked or suspended or in which the
25 registrant may be placed on probationary status, reprimanded,

1 fined, or subjected to other disciplinary action with
2 reference to the registration when a disciplinary action is
3 authorized under this Act and rules issued pursuant to this
4 Act. The notice of hearing, complaint, and all other documents
5 in the nature of pleadings and written motions filed in the
6 proceedings, the transcript of the testimony, and the orders
7 of the Department shall be the record of the proceedings. The
8 record may be made available to any person interested in the
9 hearing upon payment of the fee required by Section 2105-115
10 of the Department of Professional Regulation Law of the Civil
11 Administrative Code of Illinois.

12 (b) The Department may contract for court reporting
13 services, and, if it does so, the Department shall provide the
14 name and contact information for the certified shorthand
15 reporter who transcribed the testimony at a hearing to any
16 person interested, who may obtain a copy of the transcript of
17 any proceedings at a hearing upon payment of the fee specified
18 by the certified shorthand reporter.

19 (Source: P.A. 102-284, eff. 8-6-21.)

20 (225 ILCS 316/110)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 110. Hearing; motion for rehearing.

23 (a) The hearing officer appointed by the Secretary shall
24 hear evidence in support of the formal charges and evidence
25 produced by the registrant. At the conclusion of the hearing,

1 the hearing officer shall present to the Secretary a written
2 report of the hearing officer's ~~his or her~~ findings of fact,
3 conclusions of law, and recommendations.

4 (b) At the conclusion of the hearing, a copy of the hearing
5 officer's report shall be served upon the applicant or
6 registrant, either personally or as provided in this Act for
7 the service of the notice of hearing. Within 20 days after such
8 service, the applicant or registrant may present to the
9 Department a motion, in writing, for a rehearing which shall
10 specify the particular grounds for rehearing. The Department
11 may respond to the motion for rehearing within 20 days after
12 its service on the Department. If no motion for rehearing is
13 filed, then upon the expiration of the time specified for
14 filing such a motion, or upon denial of a motion for rehearing,
15 the Secretary may enter an order in accordance with the
16 recommendations of the hearing officer. If the applicant or
17 registrant orders from the reporting service and pays for a
18 transcript of the record within the time for filing a motion
19 for rehearing, the 20-day period within which a motion may be
20 filed shall commence upon delivery of the transcript to the
21 applicant or registrant.

22 (c) If the Secretary disagrees in any regard with the
23 report of the hearing officer, the Secretary may issue an
24 order contrary to the hearing officer's report.

25 (d) If the Secretary is not satisfied that substantial
26 justice has been done, the Secretary may order a hearing by the

1 same or another hearing officer.

2 (e) At any point in any investigation or disciplinary
3 proceeding provided for in this Act, both parties may agree to
4 a negotiated consent order. The consent order shall be final
5 upon signature of the Secretary.

6 (Source: P.A. 102-284, eff. 8-6-21.)

7 Section 30. The Community Association Manager Licensing
8 and Disciplinary Act is amended by changing Sections 10, 20,
9 40, 55, 60, 75, 85, 85.1, 86, 95, and 120 as follows:

10 (225 ILCS 427/10)

11 (Section scheduled to be repealed on January 1, 2027)

12 Sec. 10. Definitions. As used in this Act:

13 "Address of record" means the designated street address,
14 which may not be a post office box, recorded by the Department
15 in the applicant's or licensee's application file or license
16 file maintained by the Department.

17 "Advertise" means, but is not limited to, issuing or
18 causing to be distributed any card, sign or device to any
19 person; or causing, permitting or allowing any sign or marking
20 on or in any building, structure, newspaper, magazine or
21 directory, or on radio or television; or advertising by any
22 other means designed to secure public attention, including,
23 but not limited to, print, electronic, social media, and
24 digital forums.

1 "Board" means the Community Association Manager Licensing
2 and Disciplinary Board.

3 "Community association" means an association in which
4 membership is a condition of ownership or shareholder interest
5 of a unit in a condominium, cooperative, townhouse, villa, or
6 other residential unit which is part of a residential
7 development plan and that is authorized to impose an
8 assessment, rents, or other costs that may become a lien on the
9 unit or lot.

10 "Community association funds" means any assessments, fees,
11 fines, or other funds collected by the community association
12 manager from the community association, or its members, other
13 than the compensation paid to the community association
14 manager for performance of community association management
15 services.

16 "Community association management firm" means a company,
17 corporation, limited liability company, partnership, or other
18 entity that engages in community association management
19 services.

20 "Community association management services" means those
21 services listed in the definition of community association
22 manager in this Section.

23 "Community association manager" means an individual who:

24 (1) has an ownership interest in or is employed by a
25 community association management firm, or is directly
26 employed by or provides services as an independent

1 contractor to a community association; and

2 (2) administers for remuneration the financial,
3 administrative, maintenance, or other duties for the
4 community association, including the following services:

5 (A) collecting, controlling or disbursing funds of
6 the community association or having the authority to
7 do so;

8 (B) preparing budgets or other financial documents
9 for the community association;

10 (C) assisting in the conduct of community
11 association meetings;

12 (D) maintaining association records;

13 (E) administering association contracts or
14 procuring goods and services in accordance with the
15 declaration, bylaws, proprietary lease, declaration of
16 covenants, or other governing document of the
17 community association or at the direction of the board
18 of managers; and

19 (F) coordinating financial, administrative,
20 maintenance, or other duties called for in the
21 management contract, including individuals who are
22 direct employees of the community association.

23 ~~"Community association manager" does not mean support~~
24 ~~staff, including, but not limited to bookkeepers,~~
25 ~~administrative assistants, secretaries, property inspectors,~~
26 ~~or customer service representatives.~~

1 "Department" means the Department of Financial and
2 Professional Regulation.

3 "Designated community association manager" means a
4 licensed community association manager who: (1) has an
5 ownership interest in or is employed by a community
6 association management firm to act as a controlling person;
7 and (2) is the authorized signatory or has delegated signing
8 authority for the firm on community association accounts; and
9 (3) supervises, manages, and is responsible for the firm's
10 community association manager activities pursuant to Section
11 50 of this Act.

12 "Email address of record" means the designated email
13 address recorded by the Department in the applicant's
14 application file or the licensee's license file, as maintained
15 by the Department.

16 "License" means the privilege conferred by the Department
17 to a person that has fulfilled all requirements prerequisite
18 to any type of licensure under this Act.

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

20 "Person" means any individual, corporation, partnership,
21 limited liability company, or other legal entity.

22 "Secretary" means the Secretary of Financial and
23 Professional Regulation or the Secretary's designee.

24 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 20. Exemptions.

3 (a) The requirement for holding a license under this Act
4 shall not apply to any of the following:

5 (1) Any director or officer of a community association
6 providing one or more of the services of a community
7 association manager to a community association without
8 compensation for such services to the association.

9 (2) Any person providing one or more of the services
10 of a community association manager to a community
11 association of 10 units or less.

12 (3) A licensed attorney acting solely as an incident
13 to the practice of law.

14 (4) An individual acting as a receiver, trustee in
15 bankruptcy, administrator, executor, or guardian acting
16 under a court order or under the authority of a court.

17 (5) A person licensed in this State under any other
18 Act who engages in practices or activities specifically
19 authorized by the Act pursuant to which the license was
20 granted.

21 (6) An unlicensed owner who does not perform a
22 licensed activity and the unlicensed owner's support
23 staff, including, but not limited to bookkeepers,
24 administrative assistants, secretaries, property
25 inspectors, or customer service representatives.

26 (b) A licensed community association manager may not

1 perform or engage in any activities for which a real estate
2 managing broker, real estate broker, or residential leasing
3 agent license is required under the Real Estate License Act of
4 2000, unless the licensee also possesses a current and valid
5 license under the Real Estate License Act of 2000 and is
6 providing those services as provided for in the Real Estate
7 License Act of 2000 and the applicable rules.

8 (c) (Blank).

9 (Source: P.A. 102-20, eff. 1-1-22.)

10 (225 ILCS 427/40)

11 (Section scheduled to be repealed on January 1, 2027)

12 Sec. 40. Qualifications for licensure as a community
13 association manager.

14 (a) No person shall be qualified for licensure as a
15 community association manager under this Act unless the person
16 has applied in writing on the prescribed forms and has paid the
17 required, nonrefundable fees and has met all of the following
18 qualifications:

19 (1) Is at least 18 years of age.

20 (1.5) Successfully completed a 4-year course of study
21 in a high school, secondary school, or an equivalent
22 course of study approved by the state in which the school
23 is located, or possess a State of Illinois High School
24 Diploma, which shall be verified under oath by the
25 applicant.

1 (2) Provided satisfactory evidence of having completed
2 at least 20 classroom hours in community association
3 management courses approved by the Board.

4 (3) Passed an examination authorized by the
5 Department.

6 (4) Has not committed an act or acts, in this or any
7 other jurisdiction, that would be a violation of this Act.

8 (5) Is of good moral character. In determining moral
9 character under this Section, the Department may take into
10 consideration whether the applicant has engaged in conduct
11 or activities that would constitute grounds for discipline
12 under this Act. Good moral character is a continuing
13 requirement of licensure. Conviction of crimes may be used
14 in determining moral character, but shall not constitute
15 an absolute bar to licensure.

16 (6) (Blank). ~~Has not been declared by any court of~~
17 ~~competent jurisdiction to be incompetent by reason of~~
18 ~~mental or physical defect or disease, unless subsequently~~
19 ~~declared by a court to be competent.~~

20 (7) Complies with any additional qualifications for
21 licensure as determined by rule of the Department.

22 (b) (Blank).

23 (c) (Blank).

24 (d) Applicants have 3 years from the date of application
25 to complete the application process. If the process has not
26 been completed within the 3 years, the application shall be

1 denied, the fee shall be forfeited, and the applicant must
2 reapply and meet the requirements in effect at the time of
3 re-application.

4 (e) The Department shall not require applicants to report
5 the following information and shall not consider the following
6 criminal history records in connection with an application for
7 licensure:

8 (1) juvenile adjudications of delinquent minors as
9 defined in Section 5-105 of the Juvenile Court Act of 1987
10 subject to the restrictions set forth in Section 5-130 of
11 that Act;

12 (2) law enforcement records, court records, and
13 conviction records of an individual who was 17 years old
14 at the time of the offense and before January 1, 2014,
15 unless the nature of the offense required the individual
16 to be tried as an adult;

17 (3) records of arrest not followed by a charge or
18 conviction;

19 (4) records of arrest in which the charges were
20 dismissed unless related to the practice of the
21 profession; however, applicants shall not be asked to
22 report any arrests, and an arrest not followed by a
23 conviction shall not be the basis of a denial and may be
24 used only to assess an applicant's rehabilitation;

25 (5) convictions overturned by a higher court; or

26 (6) convictions or arrests that have been sealed or

1 expunged.

2 (f) An applicant or licensee shall report to the
3 Department, in a manner prescribed by the Department, and
4 within 30 days after the occurrence if during the term of
5 licensure: (i) any conviction of or plea of guilty or nolo
6 contendere to forgery, embezzlement, obtaining money under
7 false pretenses, larceny, extortion, conspiracy to defraud, or
8 any similar offense or offenses or any conviction of a felony
9 involving moral turpitude; (ii) the entry of an administrative
10 sanction by a governmental ~~government~~ agency in this State or
11 any other jurisdiction that has as an essential element
12 dishonesty or fraud or involves larceny, embezzlement, or
13 obtaining money, property, or credit by false pretenses; or
14 (iii) any conviction of or plea of guilty or nolo contendere to
15 a crime that subjects the licensee to compliance with the
16 requirements of the Sex Offender Registration Act.

17 (Source: P.A. 102-20, eff. 1-1-22; 102-1100, eff. 1-1-23.)

18 (225 ILCS 427/55)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 55. Insurance ~~Fidelity insurance~~; segregation of
21 accounts; records.

22 (a) The designated community association manager or the
23 community association management firm that employs the
24 designated community association manager shall not have access
25 to and disburse community association funds unless each of the

1 following conditions occur:

2 (1) There is fidelity or crime insurance in place to
3 insure against loss or theft of community association
4 funds.

5 (2) The fidelity or crime insurance is in the maximum
6 amount of coverage available to protect funds in the
7 custody or control of the designated community association
8 manager or community association management firm providing
9 service to the association.

10 Nothing in this Section shall require that fidelity
11 coverage be issued when a crime insurance policy with
12 equivalent or broader coverage is already in place.

13 (3) During the term and coverage period of the
14 insurance, the fidelity or crime insurance shall cover:

15 (A) the designated community association manager;

16 (B) the community association management firm;

17 (C) all community association managers;

18 (D) all partners, officers, and employees of the
19 community association management firm; and

20 (E) the community association officers, directors,
21 and employees.

22 (4) The insurance company issuing the fidelity or
23 crime insurance may not cancel or refuse to renew the
24 coverage bond without giving at least 10 days' prior
25 written notice.

26 (5) Unless an agreement between the community

1 association and the designated community association
2 manager or the community association management firm
3 provides to the contrary, a community association may
4 secure and pay for the fidelity or crime insurance
5 required by this Section. The designated community
6 association manager, all other licensees, and the
7 community association management firm must be named as
8 additional insured parties on the community association
9 policy. If the fidelity or crime insurance is not secured
10 and paid for by the association, the designated community
11 association manager or the community association
12 management firm that secures and pays for the insurance
13 shall provide a current certificate of fidelity or crime
14 insurance to the community association for which it
15 provides community association management services within
16 10 days of a request for such certificate by the community
17 association for its records.

18 (b) A community association management firm that provides
19 community association management services for more than one
20 community association shall maintain separate, segregated
21 accounts for each community association. The funds shall not,
22 in any event, be commingled with the funds of the community
23 association manager, the community association management
24 firm, or any other community association. The maintenance of
25 such accounts shall be custodial, and such accounts shall be
26 in the name of the respective community association.

1 (c) The designated community association manager or
2 community association management firm shall obtain the
3 appropriate general liability and errors and omissions
4 insurance, as determined by the Department, to cover any
5 losses or claims against a community association manager, the
6 designated community association manager, or the community
7 association management firm. The designated community
8 association manager or the community association management
9 firm shall provide a current certificate of general liability
10 and errors and omissions insurance to the community
11 association for which it provides community association
12 management services within 10 days of a request for such
13 certificate by the community association for its records.

14 (c-5) The Department shall have the authority to audit or
15 inspect any electronic or physical record, account, document,
16 book, form, or file required to be created or maintained by
17 this Act.

18 (d) The Department shall have authority to promulgate
19 additional rules regarding insurance, fidelity or crime
20 insurance, and all records and accounts required ~~maintained~~
21 ~~and~~ to be maintained by a community association manager,
22 designated community association manager, or community
23 association management firm.

24 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 60. Licenses; renewals; restoration; person in
3 military service.

4 (a) The expiration date, fees, and renewal period for each
5 license issued under this Act shall be set by rule. The
6 Department may promulgate rules requiring pre-license or
7 continuing education and set all necessary requirements for
8 such, including, but not limited to, fees, ~~approved~~
9 ~~coursework, number of hours, and waivers of continuing~~
10 ~~education.~~

11 (a-5) A community association manager whose license has
12 lapsed or expired may renew the license without examination
13 for a time period of up to 2 years following the expiration
14 date of the license. The licensee shall complete an
15 application to the Department, provide evidence of the
16 licensee's successful completion of all hours of approved
17 continuing education during the period of time the license had
18 lapsed, and pay all fees as required by rule.

19 (b) A community association manager whose license has been
20 lapsed or expired for more than 2 years but less than 5 years
21 following the expiration date of the license may restore the
22 license without examination by (i) applying to the Department,
23 (ii) providing evidence of the community association manager's
24 successful completion of all hours of approved continuing
25 education during the lapsed periods prior to the date of the
26 application, (iii) paying the required fees, and (iv)

1 satisfying any other requirements as established by rule. A
2 community association manager whose license has been expired
3 for more than 5 years shall be required to meet the
4 requirements of a new license. Any licensee who has an expired
5 license may have the license restored by applying to the
6 Department and filing proof acceptable to the Department of
7 fitness to have the expired license restored, which may
8 include sworn evidence certifying to active practice in
9 another jurisdiction satisfactory to the Department, complying
10 with any continuing education requirements, and paying the
11 required restoration fee.

12 (c) Any person whose license expired while (i) in federal
13 service on active duty with the Armed Forces of the United
14 States or called into service or training with the State
15 Militia, (ii) in training or education under the supervision
16 of the United States preliminary to induction into the
17 military service, or (iii) serving as an employee of the
18 Department may have the license renewed or restored without
19 paying any lapsed renewal fees and without completing the
20 continuing education requirements for that licensure period
21 if, within 2 years after honorable termination of the service,
22 training, or education, except under conditions ~~condition~~
23 other than honorable, the licensee furnishes the Department
24 with satisfactory evidence of engagement and that the service,
25 training, or education has been so honorably terminated.

26 (d) A community association manager or community

1 association management firm that notifies the Department, in a
2 manner prescribed by the Department, may place the license on
3 inactive status for a period not to exceed 2 years and shall be
4 excused from the payment of renewal fees until the person
5 notifies the Department in writing of the intention to resume
6 active practice.

7 (e) A community association manager or community
8 association management firm requesting that the license be
9 changed from inactive to active status shall be required to
10 pay the current renewal fee and shall also demonstrate
11 compliance with the continuing education requirements.

12 (f) No licensee with a nonrenewed or inactive license
13 status or community association management firm operating
14 without a designated community association manager shall
15 provide community association management services as set forth
16 in this Act.

17 (g) Any person violating subsection (f) of this Section
18 shall be considered to be practicing without a license and
19 will be subject to the disciplinary provisions of this Act.

20 (h) The Department shall not issue or renew a license if
21 the applicant or licensee has an unpaid fine or fee from a
22 disciplinary matter or from a non-disciplinary action imposed
23 by the Department until the fine or fee is paid to the
24 Department or the applicant or licensee has entered into a
25 payment plan and is current on the required payments.

26 (i) The Department shall not issue or renew a license if

1 the applicant or licensee has an unpaid fine or civil penalty
2 imposed by the Department for unlicensed practice until the
3 fine or civil penalty is paid to the Department or the
4 applicant or licensee has entered into a payment plan and is
5 current on the required payments.

6 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
7 103-236, eff. 1-1-24.)

8 (225 ILCS 427/75)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 75. Endorsement. The Department may issue a
11 community association manager license ~~without the required~~
12 ~~examination,~~ to an applicant licensed under the laws of
13 another state or jurisdiction without the required
14 examination. ~~if the requirements for licensure in that state~~
15 ~~are, on the date of licensure, substantially equal to the~~
16 ~~requirements of this Act or to a person who, at the time of~~
17 ~~application for licensure, possessed individual qualifications~~
18 ~~that were substantially equivalent to the requirements then in~~
19 ~~force in this State. An applicant under this Section shall pay~~
20 ~~all of the required fees.~~

21 An applicant under this Section shall pay all the required
22 fees and ~~All applicants under this Act~~ have 3 years from the
23 date of application to complete the application process. If
24 the process has not been completed within the 3 years, the
25 application shall be denied, the fee shall be forfeited, and

1 the applicant must reapply and meet the requirements in effect
2 at the time of reapplication.

3 (Source: P.A. 102-20, eff. 1-1-22.)

4 (225 ILCS 427/85)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 85. Grounds for discipline; refusal, revocation, or
7 suspension.

8 (a) The Department may refuse to issue or renew a license,
9 or may place on probation, reprimand, suspend, or revoke any
10 license, or take any other disciplinary or non-disciplinary
11 action as the Department may deem proper and impose a fine not
12 to exceed \$10,000 for each violation upon any licensee or
13 applicant under this Act or any person or entity who holds
14 oneself out as an applicant or licensee for any one or
15 combination of the following causes:

16 (1) Material misstatement in furnishing information to
17 the Department.

18 (2) Violations of this Act or its rules.

19 (3) Conviction of or entry of a plea of guilty or plea
20 of nolo contendere, as set forth in subsection (f) of
21 Section 40, to (i) a felony or a misdemeanor under the laws
22 of the United States, any state, or any other jurisdiction
23 or entry of an administrative sanction by a governmental
24 ~~government~~ agency in this State or any other jurisdiction
25 or (ii) a crime that subjects the licensee to compliance

1 with the requirements of the Sex Offender Registration
2 Act; or the entry of an administrative sanction by a
3 governmental ~~government~~ agency in this State or any other
4 jurisdiction.

5 (4) Making any misrepresentation for the purpose of
6 obtaining a license or violating any provision of this Act
7 or its rules.

8 (5) Professional incompetence.

9 (6) Gross negligence.

10 (7) Aiding or assisting another person in violating
11 any provision of this Act or its rules.

12 (8) Failing, within 30 days, to provide information in
13 response to a request made by the Department.

14 (9) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public as defined by the rules of the
17 Department, or violating the rules of professional conduct
18 adopted by the Department.

19 (10) Habitual or excessive use or addiction to
20 alcohol, narcotics, stimulants, or any other chemical
21 agent or drug that results in the inability to practice
22 with reasonable judgment, skill, or safety, and which may
23 result in significant harm to the public.

24 (11) Having been disciplined by another state, the
25 District of Columbia, a territory, a foreign nation, or a
26 governmental agency authorized to impose discipline if at

1 least one of the grounds for the discipline is the same or
2 substantially equivalent of one of the grounds for which a
3 licensee may be disciplined under this Act. A certified
4 copy of the record of the action by the other state or
5 jurisdiction shall be prima facie evidence thereof.

6 (12) Directly or indirectly giving to or receiving
7 from any person, firm, corporation, partnership, or
8 association any fee, commission, rebate, or other form of
9 compensation for any services not actually or personally
10 rendered.

11 (13) A finding by the Department that the licensee,
12 after having the license placed on probationary status,
13 has violated the terms of probation.

14 (14) Willfully making or filing false records or
15 reports relating to a licensee's practice, including, but
16 not limited to, false records filed with any State or
17 federal agencies or departments.

18 (15) Being named as a perpetrator in an indicated
19 report by the Department of Children and Family Services
20 under the Abused and Neglected Child Reporting Act and
21 upon proof by clear and convincing evidence that the
22 licensee has caused a child to be an abused child or
23 neglected child as defined in the Abused and Neglected
24 Child Reporting Act.

25 (16) Physical illness or mental illness or impairment
26 that results in the inability to practice the profession

1 with reasonable judgment, skill, or safety.

2 (17) Solicitation of professional services by using
3 false or misleading advertising.

4 (18) A finding that licensure has been applied for or
5 obtained by fraudulent means.

6 (19) Practicing or attempting to practice under a name
7 other than the full name as shown on the license or any
8 other legally authorized name unless approved by the
9 Department.

10 (20) Gross overcharging for professional services
11 including, but not limited to, (i) collection of fees or
12 moneys for services that are not rendered; and (ii)
13 charging for services that are not in accordance with the
14 contract between the licensee and the community
15 association.

16 (21) Improper commingling of personal and client funds
17 in violation of this Act or any rules promulgated thereto.

18 (22) Failing to account for or remit any moneys or
19 documents coming into the licensee's possession that
20 belong to another person or entity.

21 (23) Giving differential treatment to a person that is
22 to that person's detriment on the basis of race, color,
23 sex, ancestry, age, order of protection status, marital
24 status, physical or mental disability, military status,
25 unfavorable discharge from military status, sexual
26 orientation, pregnancy, religion, or national origin.

1 (24) Performing and charging for services without
2 reasonable authorization to do so from the person or
3 entity for whom service is being provided.

4 (25) Failing to make available to the Department, upon
5 request, any books, records, or forms required by this
6 Act.

7 (26) Purporting to be a designated community
8 association manager of a firm without active participation
9 in the firm and having been designated as such.

10 (27) Failing to make available to the Department at
11 the time of the request any indicia of licensure issued
12 under this Act.

13 (28) Failing to maintain and deposit funds belonging
14 to a community association in accordance with subsection
15 (b) of Section 55 of this Act.

16 (29) Violating the terms of any order issued by the
17 Department.

18 (30) Operating a community association management firm
19 without a designated community association manager who
20 holds an active community association manager license.

21 (31) For a designated community association manager,
22 failing to meet the requirements for acting as a
23 designated community association manager.

24 (32) Failing to disclose to a community association
25 any compensation received by a licensee from a third party
26 in connection with or related to a transaction entered

1 into by the licensee on behalf of the community
2 association.

3 (33) Failing to disclose to a community association,
4 at the time of making the referral, that a licensee (A) has
5 greater than a 1% ownership interest in a third party to
6 which it refers the community association; or (B) receives
7 or may receive dividends or other profit sharing
8 distributions from a third party, other than a publicly
9 held or traded company, to which it refers the community
10 association.

11 (b) (Blank).

12 (c) The determination by a circuit court that a licensee
13 is subject to involuntary admission or judicial admission, as
14 provided in the Mental Health and Developmental Disabilities
15 Code, operates as an automatic suspension. The suspension will
16 terminate only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission
18 and the issuance of an order so finding and discharging the
19 patient, and upon the recommendation of the Board to the
20 Secretary that the licensee be allowed to resume practice as a
21 licensed community association manager.

22 (d) In accordance with subsection (g) of Section 2105-15
23 of the Department of Professional Regulation Law of the Civil
24 Administrative Code of Illinois (~~20 ILCS 2105/2105-15~~), the
25 Department may refuse to issue or renew or may suspend the
26 license of any person who fails to file a return, to pay the

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

6 (e) In accordance with subdivision (a)(5) of Section
7 2105-15 of the Department of Professional Regulation Law of
8 the Civil Administrative Code of Illinois ~~(20 ILCS~~
9 ~~2105/2105-15)~~ and in cases where the Department of Healthcare
10 and Family Services (formerly Department of Public Aid) has
11 previously determined that a licensee or a potential licensee
12 is more than 30 days delinquent in the payment of child support
13 and has subsequently certified the delinquency to the
14 Department, the Department may refuse to issue or renew or may
15 revoke or suspend that person's license or may take other
16 disciplinary action against that person based solely upon the
17 certification of delinquency made by the Department of
18 Healthcare and Family Services.

19 (f) (Blank).

20 (g) In accordance with subsection (g-5) of Section 2105-15
21 of the Department of Professional Regulation Law of the Civil
22 Administrative Code of Illinois, the Department may refuse to
23 issue or renew, suspend, or revoke, without a hearing, the
24 license of any person or entity who fails to pay or secure
25 workers' compensation obligations as determined by and based
26 solely upon the certification of the Department of Insurance

1 or the Illinois Workers' Compensation Commission.

2 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24.)

3 (225 ILCS 427/85.1)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 85.1. Citations.

6 (a) The Department may adopt rules to permit the issuance
7 of citations to any licensee for failure to comply with the
8 continuing education requirements set forth in this Act or as
9 established by rule. The citation shall be issued to the
10 licensee and a copy sent to the licensee's designated
11 community association manager, if any, and shall contain the
12 licensee's name, the licensee's address, the licensee's
13 license number, the number of required hours of continuing
14 education that have not been successfully completed on or
15 before ~~by the licensee's renewal deadline, licensee within the~~
16 ~~renewal period,~~ and the penalty imposed, which shall not
17 exceed \$2,000. The issuance of any such citation shall not
18 excuse the licensee from completing all continuing education
19 required for that term of licensure ~~renewal period~~.

20 (b) Service of a citation shall be made in person,
21 electronically, or by mail to the licensee at the licensee's
22 address of record or email address of record, and the citation
23 must clearly state that if the cited licensee wishes to
24 dispute the citation, the cited licensee may make a written
25 request, within 30 days after the citation is served, for a

1 hearing before the Department. If the cited licensee does not
2 request a hearing within 30 days after the citation is served,
3 then ~~the citation shall become~~ a final, non-disciplinary order
4 shall be entered, and any fine imposed is due and payable
5 within 30 ~~60~~ days after the entry of that final order. If the
6 cited licensee requests a hearing within 30 days after the
7 citation is served, the Department shall afford the cited
8 licensee a hearing conducted in the same manner as a hearing
9 provided for in this Act for any violation of this Act and
10 shall determine whether the cited licensee committed the
11 violation as charged and whether the fine as levied is
12 warranted. If the violation is found, any fine shall
13 constitute non-public discipline and be due and payable within
14 30 days after the order of the Secretary, which shall
15 constitute a final order of the Department. No change in
16 license status may be made by the Department until a final
17 order of the Department has been issued.

18 (c) Payment of a fine that has been assessed pursuant to
19 this Section shall not constitute disciplinary action
20 reportable on the Department's website or elsewhere unless a
21 licensee has previously received 2 or more citations and been
22 assessed 2 or more fines.

23 (d) Nothing in this Section shall prohibit or limit the
24 Department from taking further action pursuant to this Act and
25 rules for additional, repeated, or continuing violations.

26 (Source: P.A. 102-20, eff. 1-1-22.)

1 (225 ILCS 427/86)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 86. Illegal discrimination.

4 (a) When there has been an adjudication in a civil or
5 criminal proceeding that a community association manager or
6 community association management firm has illegally
7 discriminated while engaged in any activity for which a
8 license is required under this Act, the Department, following
9 the provision of notice to the licensee and a hearing
10 conducted in accordance with Section 95 and upon the
11 recommendation of the Board as to the extent of the suspension
12 or revocation, shall suspend or revoke the license of that
13 licensee in a timely manner, unless the adjudication is in the
14 appeal process. The finding or judgment of the civil or
15 criminal proceeding is a matter of record and the merits of the
16 finding or judgment shall not be challenged in a request for a
17 hearing by the licensee.

18 (b) When there has been an order in an administrative
19 proceeding finding that a licensee has illegally discriminated
20 while engaged in any activity for which a license is required
21 under this Act, the Department, following the provision of
22 notice to the licensee and a hearing conducted in accordance
23 with Section 95, and upon recommendation of the Board as to the
24 nature and extent of the discipline, shall take one or more of
25 the disciplinary actions provided for in Section 85 in a

1 timely manner, unless the administrative order is in the
2 appeal process. The finding of the administrative order is a
3 matter of record and the merits of the finding shall not be
4 challenged in a request for a hearing by the licensee.

5 (Source: P.A. 102-20, eff. 1-1-22.)

6 (225 ILCS 427/95)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 95. Investigation; notice and hearing. The
9 Department may investigate the actions or qualifications of a
10 person, which includes an entity, applying for, holding or
11 claiming to hold, or holding oneself out as having a license or
12 rendering or offering to render services for which a license
13 is required by this Act. The Department shall, before ~~Before~~
14 suspending, revoking, placing on probationary status, or
15 taking any other disciplinary action as the Department may
16 deem proper with regard to any license, at least 30 days before
17 the date set for the hearing: ~~, the Department shall~~ (i) notify
18 the person charged and the person's designated community
19 association manager, if any, in writing of any charges made
20 and the time and place for a hearing on the charges ~~before the~~
21 ~~Board~~, (ii) direct the person to file a written answer to the
22 charges with the Board under oath within 20 days after the
23 service on the person of such notice, and (iii) inform the
24 person that, if the person fails to file an answer, default
25 will be taken against the person and the license of the person

1 may be suspended, revoked, placed on probationary status, or
2 have other disciplinary action taken with regard to the
3 license, including limiting the scope, nature, or extent of
4 the person's ~~related~~ practice, as the Department may deem
5 proper.

6 The Department shall serve notice under this Section by
7 regular or electronic mail to the person's most recent ~~last~~
8 address of record or email address of record as provided to the
9 Department. ~~If the person fails to file an answer after~~
10 ~~receiving notice, the license may, in the discretion of the~~
11 ~~Department, be suspended, revoked, or placed on probationary~~
12 ~~status, or the Department may take whatever disciplinary~~
13 ~~action deemed proper, including limiting the scope, nature, or~~
14 ~~extent of the person's practice or the imposition of a fine,~~
15 ~~without a hearing, if the act or acts charged constitute~~
16 ~~sufficient grounds for such action under this Act.~~ The answer
17 shall be served by regular mail or electronic mail to the
18 Department. At the time and place fixed in the notice, the
19 Department shall proceed to hear the charges and the parties
20 or their counsel shall be accorded ample opportunity to
21 present such statements, testimony, evidence, and argument as
22 may be pertinent to the charges or to the defense thereto. The
23 Department may continue such hearing from time to time. If the
24 person fails to file an answer after receiving notice, the
25 license may, in the discretion of the Department, be
26 suspended, revoked, or placed on probationary status or the

1 Department may take whatever disciplinary action deemed
2 proper, including limiting the scope, nature, or extent of the
3 person's practice or the imposition of a fine, without a
4 hearing, if the act or acts charged constitute sufficient
5 grounds for such action under this Act.

6 At the discretion of the Secretary after having first
7 received the recommendation of the Board, the person's license
8 may be suspended, revoked, or placed on probationary status or
9 the Department may take whatever disciplinary action
10 considered proper, including limiting the scope, nature, or
11 extent of the person's practice or the imposition of a fine if
12 the act or acts charged constitute sufficient grounds for that
13 action under this Act. A copy of the Department's final
14 disciplinary order shall be delivered to the person's
15 designated community association manager or may be sent to the
16 community association that directly employs the person.

17 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24.)

18 (225 ILCS 427/120)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 120. Appointment of a hearing officer. The Secretary
21 has the authority to appoint any attorney duly licensed to
22 practice law in the State of Illinois to serve as the hearing
23 officer in any action for refusal to issue or renew a license,
24 or to discipline a licensee. The hearing officer has full
25 authority to conduct the hearing. The hearing officer shall

1 report the findings and recommendations to the Board and the
2 Secretary. ~~At its next meeting following receipt of the~~
3 ~~report, the Board shall review the report of the hearing~~
4 ~~officer and present its findings of fact, conclusions of law,~~
5 ~~and recommendations to the Secretary.~~

6 The Board shall have 90 days from receipt of the hearing
7 officer's report to review the report of the hearing officer
8 and present the Board's findings of fact, conclusions of law,
9 and recommendations to the Secretary. If the Board fails to
10 present its findings of fact, conclusions of law, and
11 recommendations within the 90-day time period, the Department
12 may request in writing a direct appeal to the Secretary and the
13 Secretary may issue an order based upon the report of the
14 hearing officer and the record of the proceedings or issue an
15 order remanding the matter back to the hearing officer for
16 additional proceedings in accordance with the order. If the
17 Board fails to present its findings of fact, conclusions of
18 law, and recommendations within a 90-day time period after
19 receiving an Order of Default, the Department may request in
20 writing a direct appeal to the Secretary to issue a final
21 order.

22 ~~If the Board fails to present its report within 30~~
23 ~~calendar days following its next meeting after receiving the~~
24 ~~report, the respondent may request in writing a direct appeal~~
25 ~~to the Secretary, in which case the Secretary shall, within 7~~
26 ~~calendar days after the request, issue an order directing the~~

1 ~~Board to issue its findings of fact, conclusions of law, and~~
2 ~~recommendations to the Secretary within 30 calendar days after~~
3 ~~such order.~~

4 ~~If the Board fails to issue its findings of fact,~~
5 ~~conclusions of law, and recommendations within that time frame~~
6 ~~to the Secretary after the entry of such order, the Secretary~~
7 ~~shall, within 30 calendar days thereafter, issue an order~~
8 ~~based upon the report of the hearing officer and the record of~~
9 ~~the proceedings or issue an order remanding the matter back to~~
10 ~~the hearing officer for additional proceedings in accordance~~
11 ~~with the order.~~

12 ~~If (i) a direct appeal is requested, (ii) the Board fails~~
13 ~~to issue its findings of fact, conclusions of law, and~~
14 ~~recommendations within the 30 day mandate from the Secretary~~
15 ~~or the Secretary fails to order the Board to do so, and (iii)~~
16 ~~the Secretary fails to issue an order within 30 calendar days~~
17 ~~thereafter, then the hearing officer's report is deemed~~
18 ~~accepted and a final decision of the Secretary.~~

19 Notwithstanding any other provision of this Section, if
20 the Secretary, upon review, determines that substantial
21 justice has not been done in the revocation, suspension, or
22 refusal to issue or renew a license or other disciplinary
23 action taken as the result of the entry of the hearing
24 officer's report, the Secretary may order a rehearing by the
25 same or other examiners. If the Secretary disagrees in any
26 regard with the recommendation of the Board or the hearing

1 officer, the Secretary may issue an order in contravention of
2 either recommendation.

3 (Source: P.A. 102-20, eff. 1-1-22.)

4 Section 35. The Detection of Deception Examiners Act is
5 amended by changing Sections 3, 8, 8.5, 11, 13, 14, 17, 19,
6 26.1, and 30 as follows:

7 (225 ILCS 430/3) (from Ch. 111, par. 2403)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 3. Every examiner shall use an instrument which
10 records permanently and simultaneously the subject's
11 cardiovascular, respiratory and galvanic skin response
12 patterns as minimum standards and shall base the ~~his or her~~
13 evaluation upon changes in such patterns. Such an instrument
14 may record additional physiological patterns pertinent to the
15 detection of deception. The examiner may also consider changes
16 in such additional patterns in making the ~~his or her~~
17 evaluations. An examiner shall, upon written request of a
18 person examined, make known the results of such test to the
19 person examined within 5 days of receipt of the written
20 request.

21 (Source: P.A. 97-168, eff. 7-22-11.)

22 (225 ILCS 430/8) (from Ch. 111, par. 2409)

23 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 8. Applications for original licenses shall be made
2 to the Department in writing on forms prescribed by the
3 Department and shall be accompanied by the required fee, which
4 shall not be returnable. Any such application shall require
5 such information as in the judgment of the Department will
6 enable the Department to pass on the qualifications of the
7 applicant for a license.

8 If an applicant neglects, fails without an approved excuse
9 or refuses to take the next available examination for a
10 license under this Act, the fee paid by the applicant shall be
11 forfeited and the application denied. If an applicant fails to
12 pass an examination for a license under this Act within 3 years
13 after filing an ~~his or her~~ application, the application shall
14 be denied. However, such applicant may thereafter make a new
15 application for examination, accompanied by the required fee.

16 (Source: P.A. 97-168, eff. 7-22-11.)

17 (225 ILCS 430/8.5)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 8.5. Social Security Number or individual tax
20 identification number on license application. In addition to
21 any other information required to be contained in the
22 application, every application for an original license under
23 this Act shall include the applicant's Social Security Number
24 or individual taxpayer identification number, which shall be
25 retained in the agency's records pertaining to the license. As

1 soon as practical, the Department shall assign a customer's
2 identification number to each applicant for a license.

3 Every application for a renewal, reinstated, or restored
4 license shall require the applicant's customer identification
5 number.

6 (Source: P.A. 97-400, eff. 1-1-12.)

7 (225 ILCS 430/11) (from Ch. 111, par. 2412)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 11. Qualifications for licensure as an examiner. A
10 person is qualified to receive a license as an examiner:

11 A. Who establishes that the person ~~he or she~~ is a
12 person of good moral character; and

13 B. Who has passed an examination approved by the
14 Department to determine the person's ~~his or her~~ competency
15 to obtain a license to practice as an examiner; and

16 C. Who has been ~~had~~ conferred ~~upon him or her~~ an
17 academic degree, at the baccalaureate level, from an
18 accredited college or university; and

19 D. Who has satisfactorily completed 6 months of study
20 in detection of deception, as prescribed by rule, which
21 shall include, but not be limited to, course content,
22 trainer qualifications, and specialized instructor
23 qualifications.

24 In determining good moral character, the Department may
25 take into consideration conviction of any crime under the laws

1 of the United States or any state or territory thereof that is
2 a felony or a misdemeanor or any crime that is directly related
3 to the practice of the profession.

4 (Source: P.A. 97-168, eff. 7-22-11.)

5 (225 ILCS 430/13) (from Ch. 111, par. 2414)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 13. The expiration date and renewal period for each
8 license issued under this Act shall be set by rule. An examiner
9 whose license has expired may reinstate the ~~his or her~~ license
10 at any time within 5 years after the expiration thereof, by
11 making a renewal application therefor ~~therefore~~ and by paying
12 the required fee. However, any examiner whose license expired
13 while the examiner ~~he or she~~ was (1) in Federal Service on
14 active duty with the Armed Forces of the United States, or the
15 State Militia called into service or training, or (2) in
16 training or education under the supervision of the United
17 States preliminary to induction into the military service, may
18 have the ~~his or her~~ license renewed, reinstated or restored
19 without paying any lapsed renewal and restoration fees if
20 within 2 years after honorable termination of such service,
21 training, or education except under conditions other than
22 honorable, the examiner ~~he or she~~ furnishes the Department
23 with satisfactory evidence to the effect that the examiner ~~he~~
24 ~~or she~~ has been so engaged and that the examiner's ~~his or her~~
25 service, training, or education has been so terminated.

1 A license or duplicate license must be prominently
2 displayed at the principal place of business of every
3 examiner.

4 Notice in writing shall be given to the Department by such
5 license holder of any change of principal business location
6 whereupon, the Department shall issue a new license for the
7 unexpired period upon payment of the required fee. A change of
8 business location without notification to the Department and
9 without the issuance by it of a new license shall
10 automatically suspend the license theretofore issued.

11 (Source: P.A. 97-168, eff. 7-22-11.)

12 (225 ILCS 430/14) (from Ch. 111, par. 2415)

13 (Section scheduled to be repealed on January 1, 2027)

14 Sec. 14. (a) The Department may refuse to issue or renew or
15 may revoke, suspend, place on probation, reprimand, or take
16 other disciplinary or non-disciplinary action as the
17 Department may deem appropriate, including imposing fines not
18 to exceed \$10,000 for each violation, with regard to any
19 license for any one or a combination of the following:

20 (1) Material misstatement in furnishing information to
21 the Department.

22 (2) Violations of this Act, or of the rules adopted
23 under this Act.

24 (3) Conviction by plea of guilty or nolo contendere,
25 finding of guilt, jury verdict, or entry of judgment or by

1 sentencing of any crime, including, but not limited to,
2 convictions, preceding sentences of supervision,
3 conditional discharge, or first offender probation, under
4 the laws of any jurisdiction of the United States: (i)
5 that is a felony or (ii) that is a misdemeanor, an
6 essential element of which is dishonesty, or that is
7 directly related to the practice of the profession.

8 (4) Making any misrepresentation for the purpose of
9 obtaining licensure or violating any provision of this Act
10 or the rules adopted under this Act pertaining to
11 advertising.

12 (5) Professional incompetence.

13 (6) Allowing one's license under this Act to be used
14 by an unlicensed person in violation of this Act.

15 (7) Aiding or assisting another person in violating
16 this Act or any rule adopted under this Act.

17 (8) Where the license holder has been adjudged
18 mentally ill, mentally deficient or subject to involuntary
19 admission as provided in the Mental Health and
20 Developmental Disabilities Code.

21 (9) Failing, within 60 days, to provide information in
22 response to a written request made by the Department.

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

26 (11) Inability to practice with reasonable judgment,

1 skill, or safety as a result of habitual or excessive use
2 or addiction to alcohol, narcotics, stimulants, or any
3 other chemical agent or drug.

4 (12) Discipline by another state, District of
5 Columbia, territory, or foreign nation, if at least one of
6 the grounds for the discipline is the same or
7 substantially equivalent to those set forth in this
8 Section.

9 (13) A finding by the Department that the licensee,
10 after having his or her license placed on probationary
11 status, has violated the terms of probation.

12 (14) Willfully making or filing false records or
13 reports in his or her practice, including, but not limited
14 to, false records filed with State agencies or
15 departments.

16 (15) Inability to practice the profession with
17 reasonable judgment, skill, or safety as a result of a
18 physical illness, including, but not limited to,
19 deterioration through the aging process or loss of motor
20 skill, or a mental illness or disability.

21 (16) Charging for professional services not rendered,
22 including filing false statements for the collection of
23 fees for which services are not rendered.

24 (17) Practicing under a false or, except as provided
25 by law, an assumed name.

26 (18) Fraud or misrepresentation in applying for, or

1 procuring, a license under this Act or in connection with
2 applying for renewal of a license under this Act.

3 (19) Cheating on or attempting to subvert the
4 licensing examination administered under this Act.

5 All fines imposed under this Section shall be paid within
6 60 days after the effective date of the order imposing the
7 fine.

8 (b) The Department may refuse to issue or may suspend
9 without hearing, as provided for in the Code of Civil
10 Procedure, the license of any person who fails to file a
11 return, or pay the tax, penalty, or interest shown in a filed
12 return, or pay any final assessment of the tax, penalty, or
13 interest as required by any tax Act administered by the
14 Illinois Department of Revenue, until such time as the
15 requirements of any such tax Act are satisfied in accordance
16 with subsection (g) of Section 2105-15 of the Civil
17 Administrative Code of Illinois.

18 (c) (Blank).

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

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

4 (e) The determination by a circuit court that a licensee
5 is subject to involuntary admission or judicial admission, as
6 provided in the Mental Health and Developmental Disabilities
7 Code, operates as an automatic suspension. The suspension will
8 end only upon a finding by a court that the patient is no
9 longer subject to involuntary admission or judicial admission
10 and the issuance of an order so finding and discharging the
11 patient.

12 (f) In enforcing this Act, the Department, upon a showing
13 of a possible violation, may compel an individual licensed to
14 practice under this Act, or who has applied for licensure
15 under this Act, to submit to a mental or physical examination,
16 or both, as required by and at the expense of the Department.
17 The Department may order the examining physician to present
18 testimony concerning the mental or physical examination of the
19 licensee or applicant. No information shall be excluded by
20 reason of any common law or statutory privilege relating to
21 communications between the licensee or applicant and the
22 examining physician. The examining physicians shall be
23 specifically designated by the Department. The individual to
24 be examined may have, at the individual's ~~his or her~~ own
25 personal expense, another physician of the individual's ~~his or~~
26 ~~her~~ choice present during all aspects of this examination. The

1 examination shall be performed by a physician licensed to
2 practice medicine in all its branches. Failure of an
3 individual to submit to a mental or physical examination, when
4 directed, shall result in an automatic suspension without
5 hearing.

6 A person holding a license under this Act or who has
7 applied for a license under this Act who, because of a physical
8 or mental illness or disability, including, but not limited
9 to, deterioration through the aging process or loss of motor
10 skill, is unable to practice the profession with reasonable
11 judgment, skill, or safety, may be required by the Department
12 to submit to care, counseling, or treatment by physicians
13 approved or designated by the Department as a condition, term,
14 or restriction for continued, reinstated, or renewed licensure
15 to practice. Submission to care, counseling, or treatment as
16 required by the Department shall not be considered discipline
17 of a license. If the licensee refuses to enter into a care,
18 counseling, or treatment agreement or fails to abide by the
19 terms of the agreement, the Department may file a complaint to
20 revoke, suspend, or otherwise discipline the license of the
21 individual. The Secretary may order the license suspended
22 immediately, pending a hearing by the Department. Fines shall
23 not be assessed in disciplinary actions involving physical or
24 mental illness or impairment.

25 In instances in which the Secretary immediately suspends a
26 person's license under this Section, a hearing on that

1 person's license must be convened by the Department within 15
2 days after the suspension and completed without appreciable
3 delay. The Department shall have the authority to review the
4 subject individual's record of treatment and counseling
5 regarding the impairment to the extent permitted by applicable
6 federal statutes and regulations safeguarding the
7 confidentiality of medical records.

8 An individual licensed under this Act and affected under
9 this Section shall be afforded an opportunity to demonstrate
10 to the Department that ~~he or she can resume~~ practice may resume
11 in compliance with acceptable and prevailing standards under
12 the provisions of the ~~his or her~~ license.

13 (Source: P.A. 100-872, eff. 8-14-18.)

14 (225 ILCS 430/17) (from Ch. 111, par. 2418)

15 (Section scheduled to be repealed on January 1, 2027)

16 Sec. 17. Investigations; notice and hearing. The
17 Department may investigate the actions of any applicant or any
18 person or persons rendering or offering to render detection of
19 deception services or any person holding or claiming to hold a
20 license as a licensed examiner. The Department shall, before
21 refusing to issue or renew a license or to discipline a
22 licensee under Section 14, at least 30 days prior to the date
23 set for the hearing, (i) notify the accused in writing of the
24 charges made and the time and place for the hearing on the
25 charges, (ii) direct the accused ~~him or her~~ to file a written

1 answer with the Department under oath within 20 days after the
2 service of the notice, and (iii) inform the accused ~~applicant~~
3 ~~or licensee~~ that failure to file an answer will result in
4 default, ~~being taken against the applicant or licensee~~. At the
5 time and place fixed in the notice, the Department shall
6 proceed to hear the charges and the parties or their counsel
7 shall be accorded ample opportunity to present any pertinent
8 statements, testimony, evidence, and arguments. The Department
9 may continue the hearing from time to time. In case the accused
10 ~~person~~, after receiving the notice, fails to file an answer,
11 the ~~his or her~~ license, may, in the discretion of the
12 Department, be revoked, suspended, placed on probationary
13 status, or the Department may take whatever disciplinary
14 action considered proper, including limiting the scope,
15 nature, or extent of the accused's ~~person's~~ practice or the
16 imposition of a fine, without a hearing, if the act or acts
17 charged constitute sufficient grounds for that action under
18 the Act. The written notice may be served by email, by personal
19 delivery, or by mail to the accused's address of record.

20 (Source: P.A. 102-20, eff. 1-1-22.)

21 (225 ILCS 430/19) (from Ch. 111, par. 2420)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 19. Subpoenas; depositions; oaths.

24 (a) The Department may subpoena and bring before it any
25 person to take the oral or written testimony or compel the

1 production of any books, papers, records, or any other
2 documents that the Secretary or Secretary's ~~his or her~~
3 designee deems relevant or material to any investigation or
4 hearing conducted by the Department with the same fees and in
5 the same manner as prescribed in civil cases in the courts of
6 this State.

7 (b) Any circuit court, upon the application of the
8 licensee or the Department, may order the attendance and
9 testimony of witnesses and the production of relevant
10 documents, files, records, books, and papers in connection
11 with any hearing or investigation. The circuit court may
12 compel obedience to its order by proceedings for contempt.

13 (c) The Secretary, the hearing officer, any member of the
14 Board, or a certified shorthand court reporter may administer
15 oaths at any hearing the Department conducts. Notwithstanding
16 any other statute or Department rule to the contrary, all
17 requests for testimony, production of documents, or records
18 shall be in accordance with this Act.

19 (Source: P.A. 97-168, eff. 7-22-11.)

20 (225 ILCS 430/26.1) (from Ch. 111, par. 2427.1)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 26.1. Returned checks; fines. Any person who delivers
23 a check or other payment to the Department that is returned to
24 the Department unpaid by the financial institution upon which
25 it is drawn shall pay to the Department, in addition to the

1 amount already owed to the Department, a fine of \$50. The fines
2 imposed by this Section are in addition to any other
3 discipline provided under this Act for unlicensed practice or
4 practice on a nonrenewed license. The Department shall notify
5 the person that payment of fees and fines shall be paid to the
6 Department by certified check or money order within 30
7 calendar days of the notification. If, after the expiration of
8 30 days from the date of the notification, the person has
9 failed to submit the necessary remittance, the Department
10 shall automatically terminate the license or certificate or
11 deny the application, without hearing. If, after termination
12 or denial, the person seeks a license or certificate, the
13 person ~~he or she~~ shall apply to the Department for restoration
14 or issuance of the license or certificate and pay all fees and
15 fines due to the Department. The Department may establish a
16 fee for the processing of an application for restoration of a
17 license or certificate to pay all expenses of processing this
18 application. The Secretary may waive the fines due under this
19 Section in individual cases where the Secretary finds that the
20 fines would be unreasonable or unnecessarily burdensome.

21 (Source: P.A. 97-168, eff. 7-22-11.)

22 (225 ILCS 430/30) (from Ch. 111, par. 2431)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 30. An applicant who is an examiner ~~Examiner~~,
25 licensed under the laws of another state or territory of the

1 United States, or an examiner who has been trained under the
2 training standards determined by the federal government, may
3 be issued a license by the Department, in its discretion, upon
4 payment of a fee as set by rule, and the production of:

5 (a) satisfactory proof ~~that he or she is~~ of good moral
6 character; and

7 (b) satisfactory proof that the requirements for the
8 licensing of examiner ~~Examiners~~ in such particular state
9 or territory of the United States were, at the date of
10 licensing, substantially equivalent to the requirements
11 then in force in this State; or

12 (c) certification, if applicable, that the applicant
13 has successfully completed the Defense Academy for
14 Credibility Assessment course, or its predecessor or
15 successor course.

16 (Source: P.A. 97-168, eff. 7-22-11.)

17 Section 40. The Home Inspector License Act is amended by
18 changing Sections 1-10, 5-5, 5-12, 5-16, 5-20, 15-10, 15-10.1,
19 15-11, and 15-15 as follows:

20 (225 ILCS 441/1-10)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 1-10. Definitions. As used in this Act, unless the
23 context otherwise requires:

24 "Address of record" means the designated street address,

1 which may not be a post office box, recorded by the Department
2 in the applicant's or licensee's application file or license
3 file as maintained by the Department.

4 "Applicant" means a person who applies to the Department
5 for a license under this Act.

6 "Client" means a person who engages or seeks to engage the
7 services of a home inspector for an inspection assignment.

8 "Department" means the Department of Financial and
9 Professional Regulation.

10 "Email address of record" means the designated email
11 address recorded by the Department in the applicant's
12 application file or the licensee's license file, as maintained
13 by the Department.

14 "Home inspection" means the examination and evaluation of
15 the exterior and interior components of residential real
16 property, which includes the inspection of any 2 or more of the
17 following components of residential real property in
18 connection with or to facilitate the sale, lease, or other
19 conveyance of, or the proposed sale, lease or other conveyance
20 of, residential real property:

21 (1) heating, ventilation, and air conditioning system;

22 (2) plumbing system;

23 (3) electrical system;

24 (4) structural composition;

25 (5) foundation;

26 (6) roof;

1 (7) masonry structure; or

2 (8) any other residential real property component as
3 established by rule.

4 "Home inspector" means a person or entity who, for another
5 and for compensation either direct or indirect, performs home
6 inspections.

7 "Home inspector entity" means any corporation,
8 partnership, or limited liability company that provides home
9 inspection services.

10 "Home inspection report" or "inspection report" means a
11 written evaluation prepared and issued by a home inspector
12 upon completion of a home inspection, which meets the
13 standards of practice as established by the Department.

14 "Inspection assignment" means an engagement for which a
15 home inspector is employed or retained to conduct a home
16 inspection and prepare a home inspection report.

17 "License" means the privilege conferred by the Department
18 to a person who has fulfilled all requirements prerequisite to
19 any type of licensure under this Act.

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

21 "Person" means individuals, entities, corporations,
22 limited liability companies, registered limited liability
23 partnerships, and partnerships, foreign or domestic, except
24 that when the context otherwise requires, the term may refer
25 to a single individual or other described entity.

26 "Residential real property" means real property that is

1 used or intended to be used as a residence by one or more
2 individuals.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation or the Secretary's designee.

5 "Standards of practice" means recognized standards to be
6 used in a home inspection, as determined by the Department and
7 established by rule.

8 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

9 (225 ILCS 441/5-5)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 5-5. Necessity of license; use of title; exemptions.

12 (a) It is unlawful for any person, including any entity,
13 to act or assume to act as a home inspector, to engage in the
14 business of home inspection, to develop a home inspection
15 report, to practice as a home inspector, or to advertise or
16 hold oneself out to be a home inspector without a home
17 inspector license issued under this Act. A person who violates
18 this subsection is guilty of a Class A misdemeanor for the
19 first offense and a Class 4 felony for the second and any
20 subsequent offenses.

21 (b) It is unlawful for any person, other than a person who
22 holds a valid home inspector license issued pursuant to this
23 Act, to use the title "home inspector" or any other title,
24 designation, or abbreviation likely to create the impression
25 that the person is licensed as a home inspector pursuant to

1 this Act. A person who violates this subsection is guilty of a
2 Class A misdemeanor.

3 (c) The licensing requirements of this Article do not
4 apply to:

5 (1) any person who is employed as a code enforcement
6 official by the State of Illinois or any unit of local
7 government, while acting within the scope of that
8 government employment;

9 (2) any person licensed in this State by any other law
10 who is engaging in the profession or occupation for which
11 the person is licensed; or

12 (3) any person engaged by the owner or lessor of
13 residential real property for the purpose of preparing a
14 bid or estimate as to the work necessary or the costs
15 associated with performing home construction, home
16 remodeling, or home repair work on the residential real
17 property, provided such person does not advertise or hold
18 oneself out as engaged in business as a home inspector.

19 (d) The licensing of home inspector entities required
20 under this Act does not apply to an entity whose ownership
21 structure is one licensed home inspector operating either (1)
22 a sole proprietorship, a single member limited liability
23 company, or a single shareholder corporation, or (2) a limited
24 liability company, corporation, or partnership co-owned solely
25 with the home inspector's unlicensed spouse. ~~and that~~ The home
26 inspector owner or operator shall be ~~is~~ the only licensee

1 ~~licensed home inspector~~ performing inspections on the entity's
2 behalf and the. ~~The licensed home inspector who is the sole~~
3 ~~proprietor, sole shareholder, or single member of the company~~
4 ~~or~~ entity shall comply with all other provisions of this Act.

5 (Source: P.A. 102-20, eff. 1-1-22.)

6 (225 ILCS 441/5-12)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 5-12. Application for home inspector license; entity.
9 Every entity that is not a natural person that desires to
10 obtain a home inspector license shall apply to the Department
11 in a manner prescribed by the Department and accompanied by
12 the required fee.

13 Applicants have 3 years after the date of the application
14 to complete the application process. If the process has not
15 been completed within 3 years, the application shall be
16 denied, the fee forfeited, and the applicant must reapply and
17 meet the requirements in effect at the time of reapplication.

18 A corporation, limited liability company, partnership, or
19 entity shall, as a condition of licensure, designate a
20 managing licensed home inspector. The home inspector entity
21 and the designated managing home inspector of that ~~any home~~
22 ~~inspector~~ entity shall be responsible for the actions of all
23 licensed and unlicensed employees, agents, and representatives
24 of that home inspector entity that provides ~~while it is~~
25 ~~providing~~ a home inspection or home inspection service. All

1 other requirements for home inspector entities shall be
2 established by rule.

3 (Source: P.A. 102-20, eff. 1-1-22.)

4 (225 ILCS 441/5-16)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 5-16. Renewal of license.

7 (a) The expiration date and renewal period for a home
8 inspector license issued under this Act shall be set by rule.
9 Except as otherwise provided in subsections (b) and (c) of
10 this Section, the holder of a license may renew the license
11 within 90 days preceding the expiration date by:

12 (1) completing and submitting to the Department a
13 renewal application in a manner prescribed by the
14 Department;

15 (2) paying the required fees; and

16 (3) providing evidence of successful completion of the
17 continuing education requirements through courses approved
18 by the Department given by education providers licensed by
19 the Department, as established by rule.

20 (b) A home inspector whose license under this Act has
21 expired may renew the license for a period of 2 years following
22 the expiration date by complying with the requirements of
23 subparagraphs (1), (2), and (3) of subsection (a) of this
24 Section and paying any late fees ~~penalties~~ established by
25 rule.

1 (b-5) A home inspector whose license has been lapsed or
2 expired for more than 2 years but less than 5 years may restore
3 the license without examination by (i) applying to the
4 Department, (ii) providing evidence of the successful
5 completion of all hours of approved continuing education
6 during the lapsed time periods prior to the date of the
7 application, (iii) paying the required fees, and (iv)
8 satisfying any other requirements as established by rule. A
9 home inspector whose license has been expired for more than 5
10 years shall be required to meet the requirements of a new
11 license.

12 (c) Notwithstanding subsection (b), a home inspector whose
13 license under this Act has expired may renew or restore the
14 license without paying any lapsed renewal fees or late
15 penalties and without completing the continuing education
16 requirements for that licensure period if the license expired
17 while the home inspector was (i) in federal service on active
18 duty with the Armed Forces of the United States or called into
19 service or training with the State Militia, (ii) in training
20 or education under the supervision of the United States
21 preliminary to induction into the military service, or (iii)
22 serving as an employee of the Department and within 2 years
23 after the termination of the service, training, or education,
24 the licensee furnishes the Department with satisfactory
25 evidence of service, training, or education and was terminated
26 under honorable conditions.

1 (d) The Department shall provide reasonable care and due
2 diligence to ensure that each licensee under this Act is
3 provided a renewal application at least 90 days prior to the
4 expiration date, but it is the responsibility of each licensee
5 to renew the license prior to its expiration date.

6 (e) The Department shall not issue or renew a license if
7 the applicant or licensee has an unpaid fine or fee from a
8 disciplinary matter or from a non-disciplinary action imposed
9 by the Department until the fine or fee is paid to the
10 Department or the applicant or licensee has entered into a
11 payment plan and is current on the required payments.

12 (f) The Department shall not issue or renew a license if
13 the applicant or licensee has an unpaid fine or civil penalty
14 imposed by the Department for unlicensed practice until the
15 fine or civil penalty is paid to the Department or the
16 applicant or licensee has entered into a payment plan and is
17 current on the required payments.

18 (g) A home inspector who notifies the Department, in a
19 manner prescribed by the Department, may place the license on
20 inactive status for a period not to exceed 2 years and shall be
21 excused from the payment of renewal fees until the person
22 notifies the Department in writing of the intention to resume
23 active practice.

24 (h) A home inspector requesting that the license be
25 changed from inactive to active status shall be required to
26 pay the current renewal fee and shall also demonstrate

1 compliance with the continuing education requirements.

2 (i) No licensee with a nonrenewed or inactive license
3 status shall provide home inspection services as set forth in
4 this Act.

5 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
6 103-236, eff. 1-1-24.)

7 (225 ILCS 441/5-20)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 5-20. Endorsement. The Department may, in its
10 discretion, license as a home inspector, by endorsement, on
11 payment of the required fee, and without the required
12 examination, an applicant who is a home inspector licensed
13 under the laws of another state or territory, if ~~(i)~~ the
14 requirements for licensure in the state or territory in which
15 the applicant was licensed were, at the date of licensure,
16 substantially equivalent to the requirements in force in this
17 State on that date. ~~or (ii) there were no requirements in force~~
18 ~~in this State on the date of licensure and the applicant~~
19 ~~possessed individual qualifications on that date that are~~
20 ~~substantially similar to the requirements under this Act.~~ The
21 Department may adopt any rules necessary to implement this
22 Section.

23 Applicants have 3 years after the date of application to
24 complete the application process. If the process has not been
25 completed within 3 years, the application shall be denied, the

1 fee forfeited, and the applicant must reapply and meet the
2 requirements in effect at the time of reapplication.

3 (Source: P.A. 102-20, eff. 1-1-22.)

4 (225 ILCS 441/15-10)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 15-10. Grounds for disciplinary action.

7 (a) The Department may refuse to issue or renew, or may
8 revoke, suspend, place on probation, reprimand, or take other
9 disciplinary or non-disciplinary action as the Department may
10 deem appropriate, including imposing fines not to exceed
11 \$25,000 for each violation upon any licensee or applicant
12 under this Act or any person or entity who holds oneself out as
13 an applicant or licensee, for any one or combination of the
14 following:

15 (1) Fraud or misrepresentation in applying for or
16 procuring a license under this Act or in connection with
17 applying for renewal of a license under this Act.

18 (2) Failing to meet the minimum qualifications for
19 licensure as a home inspector established by this Act.

20 (3) Paying money, other than for the fees provided for
21 by this Act, or anything of value to an employee of the
22 Department to procure licensure under this Act.

23 (4) Conviction of, or plea of guilty or nolo
24 contendere, or finding as enumerated in subsection (c) of
25 Section 5-10, under the laws of any jurisdiction of the

1 United States: (i) that is a felony, misdemeanor, or
2 administrative sanction, or (ii) that is a crime that
3 subjects the licensee to compliance with the requirements
4 of the Sex Offender Registration Act.

5 (5) Committing an act or omission involving
6 dishonesty, fraud, or misrepresentation with the intent to
7 substantially benefit the licensee or another person or
8 with the intent to substantially injure another person.

9 (6) Violating a provision or standard for the
10 development or communication of home inspections as
11 provided in Section 10-5 of this Act or as defined in the
12 rules.

13 (7) Failing or refusing to exercise reasonable
14 diligence in the development, reporting, or communication
15 of a home inspection report, as defined by this Act or the
16 rules.

17 (8) Violating a provision of this Act or the rules.

18 (9) Having been disciplined by another state, the
19 District of Columbia, a territory, a foreign nation, a
20 governmental agency, or any other entity authorized to
21 impose discipline if at least one of the grounds for that
22 discipline is the same as or substantially equivalent to
23 one of the grounds for which a licensee may be disciplined
24 under this Act.

25 (10) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

2 (11) Accepting an inspection assignment when the
3 employment itself is contingent upon the home inspector
4 reporting a predetermined analysis or opinion, or when the
5 fee to be paid is contingent upon the analysis, opinion,
6 or conclusion reached or upon the consequences resulting
7 from the home inspection assignment.

8 (12) Developing home inspection opinions or
9 conclusions based on the race, color, religion, sex,
10 national origin, ancestry, age, marital status, family
11 status, physical or mental disability, military status,
12 unfavorable discharge from military status, sexual
13 orientation, order of protection status, pregnancy, or any
14 other protected class as defined under the Illinois Human
15 Rights Act, of the prospective or present owners or
16 occupants of the area or property under home inspection.

17 (13) Being adjudicated liable in a civil proceeding on
18 grounds of fraud, misrepresentation, or deceit. In a
19 disciplinary proceeding based upon a finding of civil
20 liability, the home inspector shall be afforded an
21 opportunity to present mitigating and extenuating
22 circumstances, but may not collaterally attack the civil
23 adjudication.

24 (14) Being adjudicated liable in a civil proceeding
25 for violation of a State or federal fair housing law.

26 (15) Engaging in misleading or untruthful advertising

1 or using a trade name or insignia of membership in a home
2 inspection organization of which the licensee is not a
3 member.

4 (16) Failing, within 30 days, to provide information
5 in response to a written request made by the Department.

6 (17) Failing to include within the home inspection
7 report the home inspector's license number and the date of
8 expiration of the license. The names of (i) all persons
9 who conducted the home inspection; and (ii) all persons
10 who prepared the subsequent written evaluation or any part
11 thereof must be disclosed in the report. It is a violation
12 of this Act for a home inspector to sign a home inspection
13 report knowing that the names of all such persons have not
14 been disclosed in the home inspection report.

15 (18) Advising a client as to whether the client should
16 or should not engage in a transaction regarding the
17 residential real property that is the subject of the home
18 inspection.

19 (19) Performing a home inspection in a manner that
20 damages or alters the residential real property that is
21 the subject of the home inspection without the consent of
22 the owner.

23 (20) Performing a home inspection when the home
24 inspector is providing or may also provide other services
25 in connection with the residential real property or
26 transaction, or has an interest in the residential real

1 property, without providing prior written notice of the
2 potential or actual conflict and obtaining the prior
3 consent of the client as provided by rule.

4 (21) Aiding or assisting another person in violating
5 any provision of this Act or rules adopted under this Act.

6 (22) Inability to practice with reasonable judgment,
7 skill, or safety as a result of habitual or excessive use
8 or addiction to alcohol, narcotics, stimulants, or any
9 other chemical agent or drug, which may result in
10 significant harm to the public.

11 (23) A finding by the Department that the licensee,
12 after having the license placed on probationary status,
13 has violated the terms of probation.

14 (24) Willfully making or filing false records or
15 reports related to the practice of home inspection,
16 including, but not limited to, false records filed with
17 State agencies or departments.

18 (25) Charging for professional services not rendered,
19 including filing false statements for the collection of
20 fees for which services are not rendered.

21 (26) Practicing under a false or, except as provided
22 by law, an assumed name.

23 (27) Cheating on or attempting to subvert the
24 licensing examination administered under this Act.

25 (28) Engaging in any of the following prohibited
26 fraudulent, false, deceptive, or misleading advertising

1 practices:

2 (i) advertising as a home inspector or operating a
3 home inspection business entity unless there is a duly
4 licensed home inspector responsible for all inspection
5 activities and all inspections;

6 (ii) advertising that contains a misrepresentation
7 of facts or false statements regarding the licensee's
8 professional achievements, degrees, training, skills,
9 or qualifications in the home inspection profession or
10 any other profession requiring licensure;

11 (iii) advertising that makes only a partial
12 disclosure of relevant facts related to pricing or
13 home inspection services; and

14 (iv) advertising that claims this State or any of
15 its political subdivisions endorse the home inspection
16 report or its contents.

17 (29) Disclosing, except as otherwise required by law,
18 inspection results or client information obtained without
19 the client's written consent. A home inspector shall not
20 deliver a home inspection report to any person other than
21 the client of the home inspector without the client's
22 written consent.

23 (30) Providing fees, gifts, waivers of liability, or
24 other forms of compensation or gratuities to persons
25 licensed under any real estate professional licensing Act
26 ~~act~~ in this State as consideration or inducement for the

1 referral of business.

2 (31) Violating the terms of any order issued by the
3 Department.

4 (b) The Department may suspend, revoke, or refuse to issue
5 or renew an education provider's license, may reprimand, place
6 on probation, or otherwise discipline an education provider
7 licensee, and may suspend or revoke the course approval of any
8 course offered by an education provider, for any of the
9 following:

10 (1) Procuring or attempting to procure licensure by
11 knowingly making a false statement, submitting false
12 information, making any form of fraud or
13 misrepresentation, or refusing to provide complete
14 information in response to a question in an application
15 for licensure.

16 (2) Failing to comply with the covenants certified to
17 on the application for licensure as an education provider.

18 (3) Committing an act or omission involving
19 dishonesty, fraud, or misrepresentation or allowing any
20 such act or omission by any employee or contractor under
21 the control of the education provider.

22 (4) Engaging in misleading or untruthful advertising.

23 (5) Failing to retain competent instructors in
24 accordance with rules adopted under this Act.

25 (6) Failing to meet the topic or time requirements for
26 course approval as the provider of a pre-license

1 curriculum course or a continuing education course.

2 (7) Failing to administer an approved course using the
3 course materials, syllabus, and examinations submitted as
4 the basis of the course approval.

5 (8) Failing to provide an appropriate classroom
6 environment for presentation of courses, with
7 consideration for student comfort, acoustics, lighting,
8 seating, workspace, and visual aid material.

9 (9) Failing to maintain student records in compliance
10 with the rules adopted under this Act.

11 (10) Failing to provide a certificate, transcript, or
12 other student record to the Department or to a student as
13 may be required by rule.

14 (11) Failing to fully cooperate with a Department
15 investigation by knowingly making a false statement,
16 submitting false or misleading information, or refusing to
17 provide complete information in response to written
18 interrogatories or a written request for documentation
19 within 30 days of the request.

20 (c) (Blank).

21 (d) The Department may refuse to issue or may suspend
22 without hearing, as provided for in the Code of Civil
23 Procedure, the license of any person who fails to file a tax
24 return, to pay the tax, penalty, or interest shown in a filed
25 tax return, or to pay any final assessment of tax, penalty, or
26 interest, as required by any tax Act administered by the

1 Illinois Department of Revenue, until such time as the
2 requirements of the tax Act are satisfied in accordance with
3 subsection (g) of Section 2105-15 of the Civil Administrative
4 Code of Illinois.

5 (e) (Blank).

6 (f) In cases where the Department of Healthcare and Family
7 Services has previously determined that a licensee or a
8 potential licensee is more than 30 days delinquent in the
9 payment of child support and has subsequently certified the
10 delinquency to the Department, the Department may refuse to
11 issue or renew or may revoke or suspend that person's license
12 or may take other disciplinary action against that person
13 based solely upon the certification of delinquency made by the
14 Department of Healthcare and Family Services in accordance
15 with item (5) of subsection (a) of Section 2105-15 of the Civil
16 Administrative Code of Illinois.

17 (g) The determination by a circuit court that a licensee
18 is subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension will
21 end only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of a court order so finding and discharging
24 the patient.

25 (h) (Blank).

26 (i) In accordance with subsection (g-5) of Section 2105-15

1 of the Civil Administrative Code of Illinois, the Department
2 may refuse to issue, refuse to renew, suspend, or revoke,
3 without a hearing, the license of any person or entity who
4 fails to pay, perform, or secure workers' compensation
5 obligations as determined by and based solely upon the
6 certification of the Department of Insurance or the Illinois
7 Workers' Compensation Commission.

8 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24;
9 revised 6-25-25.)

10 (225 ILCS 441/15-10.1)

11 (Section scheduled to be repealed on January 1, 2027)

12 Sec. 15-10.1. Citations.

13 (a) The Department may adopt rules to permit the issuance
14 of citations to any licensee for failure to comply with the
15 continuing education requirements set forth in this Act or as
16 established by rule. The citation shall be issued to the
17 licensee and shall contain the licensee's name, the licensee's
18 address, the licensee's license number, the number of required
19 hours of continuing education that have not been successfully
20 completed on or before ~~by the licensee's licensee within the~~
21 renewal deadline ~~period~~, and the penalty imposed, which shall
22 not exceed \$2,000. The issuance of a citation shall not excuse
23 the licensee from completing all continuing education required
24 for that term of licensure ~~renewal period~~.

25 (b) Service of a citation shall be made in person,

1 electronically, or by mail to the licensee at the licensee's
2 address of record or email address of record, and the citation
3 must clearly state that if the cited licensee wishes to
4 dispute the citation, the cited licensee may make a written
5 request, within 30 days after the citation is served, for a
6 hearing before the Department. If the cited licensee does not
7 request a hearing within 30 days after the citation is served,
8 then ~~the citation shall become~~ a final, non-disciplinary order
9 shall be entered, and any fine imposed is due and payable
10 within 30 ~~60~~ days after the entry of that final order. If the
11 cited licensee requests a hearing within 30 days after the
12 citation is served, the Department shall afford the cited
13 licensee a hearing conducted in the same manner as a hearing
14 provided for in this Act for any violation of this Act and
15 shall determine whether the cited licensee committed the
16 violation as charged and whether the fine as levied is
17 warranted. If the violation is found, any fine shall
18 constitute non-public discipline and be due and payable within
19 30 days after the order of the Secretary, which shall
20 constitute a final order of the Department. No change in
21 license status may be made by the Department until a final
22 order of the Department has been issued.

23 (c) Payment of a fine that has been assessed pursuant to
24 this Section shall not constitute disciplinary action
25 reportable on the Department's website or elsewhere unless a
26 licensee has previously received 2 or more citations and been

1 assessed 2 or more fines.

2 (d) Nothing in this Section shall prohibit or limit the
3 Department from taking further action pursuant to this Act and
4 rules for additional, repeated, or continuing violations.

5 (Source: P.A. 102-20, eff. 1-1-22.)

6 (225 ILCS 441/15-11)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 15-11. Illegal discrimination.

9 (a) When there has been an adjudication in a civil or
10 criminal proceeding that a licensee has illegally
11 discriminated while engaged in any activity for which a
12 license is required under this Act, the Department, following
13 the provision of notice to the licensee and a hearing
14 conducted in accordance with Section 15-15 and upon the
15 determination by the Secretary as to the extent of the
16 suspension or revocation, shall suspend or revoke the license
17 of that licensee in a timely manner, unless the adjudication
18 is in the appeal process. The finding or judgment of the civil
19 or criminal proceeding is a matter of record and the merits of
20 the finding or judgment shall not be challenged in a request
21 for a hearing by the licensee.

22 (b) When there has been an order in an administrative
23 proceeding finding that a licensee has illegally discriminated
24 while engaged in any activity for which a license is required
25 under this Act, the Department, following the provision of

1 notice to the licensee and a hearing conducted in accordance
2 with Section 15-15 and upon the determination by the Secretary
3 as to the nature and extent of the discipline, shall take one
4 or more of the disciplinary actions provided for in Section
5 15-10 of this Act in a timely manner, unless the
6 administrative order is in the appeal process. The finding of
7 the administrative order is a matter of record and the merits
8 of the finding shall not be challenged in a request for a
9 hearing by the licensee.

10 (Source: P.A. 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

11 (225 ILCS 441/15-15)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 15-15. Investigation; notice; hearing. The Department
14 may investigate the actions of any person who is an applicant,
15 licensee, person or persons rendering or offering to render
16 home inspection services, or any person holding or claiming to
17 hold a license as a home inspector. The Department shall,
18 before refusing to issue or renew a license or to discipline a
19 person pursuant to Section 15-10, at least 30 days prior to the
20 date set for the hearing, (i) notify the person charged in
21 writing and the person's managing licensed home inspector, if
22 any, of the charges made and the time and place for the hearing
23 on the charges, (ii) direct the person to file a written answer
24 with the Department under oath within 20 days after the
25 service of the notice, and (iii) inform the person that

1 failure to file an answer will result in a default entered
2 against the person. At the time and place fixed in the notice,
3 the Department shall proceed to hear the charges and the
4 parties or ~~of~~ their counsel shall be accorded ample
5 opportunity to present any pertinent statements, testimony,
6 evidence, and arguments. The Department may continue the
7 hearing from time to time. In case the person, after receiving
8 the notice, fails to file an answer, the license~~r~~ may, in the
9 discretion of the Department, be revoked, suspended, placed on
10 probationary status, or the Department may take whatever
11 disciplinary actions considered proper, including limiting the
12 scope, nature, or extent of the person's practice or the
13 imposition of a fine, without a hearing, if the act or acts
14 charged constitute sufficient grounds for that action under
15 the Act. The notice may be served by mail, or, at the
16 discretion of the Department, by electronic means to the
17 address of record or email address of record specified by the
18 person as last updated with the Department.

19 The Secretary shall have the authority to appoint an
20 attorney duly licensed to practice law in the State of
21 Illinois to serve as the hearing officer in any action to
22 suspend, revoke, or otherwise discipline any license issued by
23 the Department. The hearing officer shall have full authority
24 to conduct the hearing.

25 A copy of the hearing officer's report or any Order of
26 Default, along with a copy of the original or amended

1 complaint giving rise to the action, shall be served upon the
2 person by the Department in the manner provided in this Act for
3 the service of a notice of hearing. Within 20 days after
4 service, the person may present to the Department a motion in
5 writing for a rehearing, which shall specify the particular
6 grounds for rehearing. If the person orders from the reporting
7 service and pays for a transcript of the record within the time
8 for filing a motion for rehearing, then the 20-day period
9 during which a motion may be filed shall commence upon the
10 delivery of the transcript to the applicant or licensee. The
11 Department may respond to the motion, or if a motion for
12 rehearing is denied, then upon denial, the Secretary may enter
13 an order in accordance with the recommendations of the hearing
14 officer. If the Secretary disagrees in any regard with the
15 report of the hearing officer, the Secretary may issue an
16 order in contravention thereof. A copy of the Department's
17 final disciplinary order shall be delivered to the person and
18 the person's managing home inspector, if any.

19 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24.)

20 Section 45. The Real Estate Appraiser Licensing Act of
21 2002 is amended by changing Sections 1-10, 5-25, 5-30, 15-10,
22 15-10.1, 15-11, 15-15, and 25-10 as follows:

23 (225 ILCS 458/1-10)

24 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 1-10. Definitions. As used in this Act, unless the
2 context otherwise requires:

3 "Accredited college or university, junior college, or
4 community college" means a college or university, junior
5 college, or community college that is approved or accredited
6 by the Board of Higher Education, a regional or national
7 accreditation association, or by an accrediting agency that is
8 recognized by the U.S. Secretary of Education.

9 "Address of record" means the designated street address,
10 which may not be a post office box, recorded by the Department
11 in the applicant's or licensee's application file or license
12 file as maintained by the Department.

13 "Applicant" means a person who applies to the Department
14 for a license under this Act.

15 "Appraisal" means (noun) the act or process of developing
16 an opinion of value; an opinion of value (adjective) of or
17 pertaining to appraising and related functions, such as
18 appraisal practice or appraisal services.

19 "Appraisal assignment" means a valuation service provided
20 pursuant to an agreement between an appraiser and a client.

21 "Appraisal firm" means an appraisal entity that is 100%
22 owned and controlled by a person or persons licensed in
23 Illinois as a certified general real estate appraiser or a
24 certified residential real estate appraiser. "Appraisal firm"
25 does not include an appraisal management company.

26 "Appraisal management company" means any corporation,

1 limited liability company, partnership, sole proprietorship,
2 subsidiary, unit, or other business entity that directly or
3 indirectly: (1) provides appraisal management services to
4 creditors or secondary mortgage market participants, including
5 affiliates; (2) provides appraisal management services in
6 connection with valuing the consumer's principal dwelling as
7 security for a consumer credit transaction (including consumer
8 credit transactions incorporated into securitizations); and
9 (3) any appraisal management company that, within a given
10 12-month period, oversees an appraiser panel of 16 or more
11 State-certified appraisers in Illinois or 25 or more
12 State-certified or State-licensed appraisers in 2 or more
13 jurisdictions. "Appraisal management company" includes a
14 hybrid entity.

15 "Appraisal practice" means valuation services performed by
16 an individual acting as an appraiser, including, but not
17 limited to, appraisal or appraisal review.

18 "Appraisal qualification board (AQB)" means the
19 independent board of the Appraisal Foundation, which, under
20 the provisions of Title XI of the Financial Institutions
21 Reform, Recovery, and Enforcement Act of 1989, establishes the
22 minimum education, experience, and examination requirements
23 for real property appraisers to obtain a state certification
24 or license.

25 "Appraisal report" means any communication, written or
26 oral, of an appraisal or appraisal review that is transmitted

1 to a client upon completion of an assignment.

2 "Appraisal review" means the act or process of developing
3 and communicating an opinion about the quality of another
4 appraiser's work that was performed as part of an appraisal,
5 appraisal review, or appraisal assignment.

6 "Appraisal Subcommittee" means the Appraisal Subcommittee
7 of the Federal Financial Institutions Examination Council as
8 established by Title XI.

9 "Appraiser" means a person who performs real estate or
10 real property appraisals competently and in a manner that is
11 independent, impartial, and objective.

12 "Appraiser panel" means a network, list, or roster of
13 licensed or certified appraisers approved by the appraisal
14 management company or by the ~~end-user~~ client to perform
15 appraisals as independent contractors for the appraisal
16 management company. "Appraiser panel" includes both appraisers
17 accepted by an appraisal management company for consideration
18 for future appraisal assignments and appraisers engaged by an
19 appraisal management company to perform one or more
20 appraisals. For the purposes of determining the size of an
21 appraiser panel, only independent contractors of hybrid
22 entities shall be counted towards the appraiser panel.

23 "Associate real estate trainee appraiser" means an
24 entry-level appraiser who holds a license of this
25 classification under this Act with restrictions as to the
26 scope of practice in accordance with this Act.

1 "Automated valuation model" means an automated system that
2 is used to derive a property value through the use of available
3 property records and various analytic methodologies such as
4 comparable sales prices, home characteristics, and price
5 changes.

6 "Board" means the Real Estate Appraisal Administration and
7 Disciplinary Board.

8 "Broker price opinion" means an estimate or analysis of
9 the probable selling price of a particular interest in real
10 estate, which may provide a varying level of detail about the
11 property's condition, market, and neighborhood and information
12 on comparable sales. The activities of a real estate broker or
13 managing broker engaging in the ordinary course of business as
14 a broker, as defined in this Section, shall not be considered a
15 broker price opinion if no compensation is paid to the broker
16 or managing broker, other than compensation based upon the
17 sale or rental of real estate.

18 "Classroom hour" means 50 minutes of instruction out of
19 each 60-minute segment of coursework.

20 "Client" means the party or parties who engage an
21 appraiser by employment or contract in a specific appraisal
22 assignment.

23 "Comparative market analysis" is an analysis or opinion
24 regarding pricing, marketing, or financial aspects relating to
25 a specified interest or interests in real estate that may be
26 based upon an analysis of comparative market data, the

1 expertise of the real estate broker or managing broker, and
2 such other factors as the broker or managing broker may deem
3 appropriate in developing or preparing such analysis or
4 opinion. The activities of a real estate broker or managing
5 broker engaging in the ordinary course of business as a
6 broker, as defined in this Section, shall not be considered a
7 comparative market analysis if no compensation is paid to the
8 broker or managing broker, other than compensation based upon
9 the sale or rental of real estate.

10 "Coordinator" means the Real Estate Appraisal Coordinator
11 created in Section 25-15.

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

14 "Email address of record" means the designated email
15 address recorded by the Department in the applicant's
16 application file or the licensee's license file maintained by
17 the Department.

18 "Evaluation" means a valuation permitted by the appraisal
19 regulations of the Federal Financial Institutions Examination
20 Council and its federal agencies for transactions that qualify
21 for the appraisal threshold exemption, business loan
22 exemption, or subsequent transaction exemption.

23 "Federal financial institutions regulatory agencies" means
24 the Board of Governors of the Federal Reserve System, the
25 Federal Deposit Insurance Corporation, the Office of the
26 Comptroller of the Currency, the Consumer Financial Protection

1 Bureau, and the National Credit Union Administration.

2 "Federally related transaction" means any real
3 estate-related financial transaction in which a federal
4 financial institutions regulatory agency engages in, contracts
5 for, or regulates and requires the services of an appraiser.

6 "Financial institution" means any bank, savings bank,
7 savings and loan association, credit union, mortgage broker,
8 mortgage banker, licensee under the Consumer Installment Loan
9 Act or the Sales Finance Agency Act, or a corporate fiduciary,
10 subsidiary, affiliate, parent company, or holding company of
11 any such licensee, or any institution involved in real estate
12 financing that is regulated by state or federal law.

13 "Hybrid entity" means an appraisal management company that
14 hires an appraiser as an employee to perform an appraisal and
15 engages an independent contractor to perform an appraisal.

16 "License" means the privilege conferred by the Department
17 to a person that has fulfilled all requirements prerequisite
18 to any type of licensure under this Act.

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

20 "Multi-state licensing system" means a web-based platform
21 that allows an applicant to submit the application or license
22 renewal application to the Department online.

23 "Person" means an individual, entity, sole proprietorship,
24 corporation, limited liability company, partnership, and joint
25 venture, foreign or domestic, except that when the context
26 otherwise requires, the term may refer to more than one

1 individual or other described entity.

2 "Real estate" means an identified parcel or tract of land,
3 including any improvements.

4 "Real estate related financial transaction" means any
5 transaction involving:

6 (1) the sale, lease, purchase, investment in, or
7 exchange of real property, including interests in property
8 or the financing thereof;

9 (2) the refinancing of real property or interests in
10 real property; and

11 (3) the use of real property or interest in property
12 as security for a loan or investment, including mortgage
13 backed securities.

14 "Real property" means the interests, benefits, and rights
15 inherent in the ownership of real estate.

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation or the Secretary's designee.

18 "State certified general real estate appraiser" means an
19 appraiser who holds a license of this classification under
20 this Act and such classification applies to the appraisal of
21 all types of real property without restrictions as to the
22 scope of practice.

23 "State certified residential real estate appraiser" means
24 an appraiser who holds a license of this classification under
25 this Act and such classification applies to the appraisal of
26 one to 4 units of residential real property without regard to

1 transaction value or complexity, but with restrictions as to
2 the scope of practice in a federally related transaction in
3 accordance with Title XI, the provisions of USPAP, criteria
4 established by the AQB, and further defined by rule.

5 "Supervising appraiser" means either (i) an appraiser who
6 holds a valid license under this Act as either a State
7 certified general real estate appraiser or a State certified
8 residential real estate appraiser, who co-signs an appraisal
9 report for an associate real estate trainee appraiser or (ii)
10 a State certified general real estate appraiser who holds a
11 valid license under this Act who co-signs an appraisal report
12 for a State certified residential real estate appraiser on
13 properties other than one to 4 units of residential real
14 property without regard to transaction value or complexity.

15 "Title XI" means Title XI of the federal Financial
16 Institutions Reform, Recovery, and Enforcement Act of 1989.

17 "USPAP" means the Uniform Standards of Professional
18 Appraisal Practice as promulgated by the Appraisal Standards
19 Board pursuant to Title XI and by rule.

20 "Valuation services" means services pertaining to aspects
21 of property value.

22 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;
23 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

24 (225 ILCS 458/5-25)

25 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 5-25. Renewal of license.

2 (a) The expiration date and renewal period for a State
3 certified general real estate appraiser license or a State
4 certified residential real estate appraiser license issued
5 under this Act shall be set by rule. Except as otherwise
6 provided in subsections (b) and (f) of this Section, the
7 holder of a license may renew the license within 90 days
8 preceding the expiration date by:

9 (1) completing and submitting to the Department, or
10 through a multi-state licensing system as designated by
11 the Secretary, a renewal application form as provided by
12 the Department;

13 (2) paying the required fees; and

14 (3) providing evidence to the Department, or through a
15 multi-state licensing system as designated by the
16 Secretary, of successful completion of the continuing
17 education requirements through courses approved by the
18 Department from education providers licensed by the
19 Department, as established by the AQB and by rule.

20 (b) A State certified general real estate appraiser or
21 State certified residential real estate appraiser whose
22 license under this Act has expired may renew the license for a
23 period of 2 years following the expiration date by complying
24 with the requirements of paragraphs (1), (2), and (3) of
25 subsection (a) of this Section and paying any late penalties
26 established by rule.

1 (c) (Blank).

2 (d) The expiration date and renewal period for an
3 associate real estate trainee appraiser license issued under
4 this Act shall be set by rule. Except as otherwise provided in
5 subsections (e) and (f) of this Section, the holder of an
6 associate real estate trainee appraiser license may renew the
7 license within 90 days preceding the expiration date by:

8 (1) completing and submitting to the Department, or
9 through a multi-state licensing system as designated by
10 the Secretary, a renewal application form as provided by
11 the Department;

12 (2) paying the required fees; and

13 (3) providing evidence to the Department, or through a
14 multi-state licensing system as designated by the
15 Secretary, of successful completion of the continuing
16 education requirements through courses approved by the
17 Department from education providers approved by the
18 Department, as established by rule.

19 (e) Any associate real estate trainee appraiser whose
20 license under this Act has expired may renew the license for a
21 period of 2 years following the expiration date by complying
22 with the requirements of paragraphs (1), (2), and (3) of
23 subsection (d) of this Section and paying any late penalties
24 as established by rule.

25 (f) Notwithstanding subsections (b) ~~(e)~~ and (e), an
26 appraiser whose license under this Act has expired may renew

1 or convert the license without paying any lapsed renewal fees
2 or late penalties if the license expired while the appraiser
3 was:

4 (1) on active duty with the United States Armed
5 Services;

6 (2) serving as the Coordinator or an employee of the
7 Department who was required to surrender the license
8 during the term of employment.

9 Application for renewal must be made within 2 years
10 following the termination of the military service or related
11 education, training, or employment and shall include an
12 affidavit from the licensee of engagement.

13 (g) The Department shall provide reasonable care and due
14 diligence to ensure that each licensee under this Act is
15 provided with a renewal application at least 90 days prior to
16 the expiration date, but timely renewal or conversion of the
17 license prior to its expiration date is the responsibility of
18 the licensee.

19 (h) The Department shall not issue or renew a license if
20 the applicant or licensee has an unpaid fine or fee from a
21 disciplinary matter or from a non-disciplinary action imposed
22 by the Department until the fine or fee is paid to the
23 Department or the applicant or licensee has entered into a
24 payment plan and is current on the required payments.

25 (i) The Department shall not issue or renew a license if
26 the applicant or licensee has an unpaid fine or civil penalty

1 imposed by the Department for unlicensed practice until the
2 fine or civil penalty is paid to the Department or the
3 applicant or licensee has entered into a payment plan and is
4 current on the required payments.

5 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
6 103-236, eff. 1-1-24.)

7 (225 ILCS 458/5-30)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 5-30. Endorsement. The Department may issue an
10 appraiser license, without the required examination, to an
11 applicant licensed by another state, territory, possession of
12 the United States, or the District of Columbia, if (i) the
13 licensing requirements of that licensing authority are, on the
14 date of licensure, substantially equal to the requirements set
15 forth under this Act or to a person who, at the time of the
16 application, possessed individual qualifications that were
17 substantially equivalent to the requirements of this Act and
18 ~~or~~ (ii) the applicant provides the Department with evidence of
19 good standing from the Appraisal Subcommittee National
20 Registry report and a criminal history records check in
21 accordance with Section 5-22. An applicant under this Section
22 shall pay all of the required fees.

23 (Source: P.A. 102-20, eff. 1-1-22.)

24 (225 ILCS 458/15-10)

1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 15-10. Grounds for disciplinary action.

3 (a) The Department may suspend, revoke, refuse to issue,
4 renew, or restore a license and may reprimand, place on
5 probation or administrative supervision, or take any
6 disciplinary or non-disciplinary action, including imposing
7 conditions limiting the scope, nature, or extent of the real
8 estate appraisal practice of a licensee or reducing the
9 appraisal rank of a licensee, and may impose an administrative
10 fine not to exceed \$25,000 for each violation upon a licensee
11 or applicant under this Act or any person who holds oneself out
12 as an applicant or licensee for any one or combination of the
13 following:

14 (1) Procuring or attempting to procure a license by
15 knowingly making a false statement, submitting false
16 information, engaging in any form of fraud or
17 misrepresentation, or refusing to provide complete
18 information in response to a question in an application
19 for licensure.

20 (2) Failing to meet the minimum qualifications for
21 licensure as an appraiser established by this Act.

22 (3) Paying money, other than for the fees provided for
23 by this Act, or anything of value to a member or employee
24 of the Board or the Department to procure licensure under
25 this Act.

26 (4) Conviction of, or plea of guilty or nolo

1 contendere, as enumerated in subsection (e) of Section
2 5-22, under the laws of any jurisdiction of the United
3 States to: (i) ~~that is~~ a felony, misdemeanor, or
4 administrative sanction or (ii) ~~that is~~ a crime that
5 subjects the licensee to compliance with the requirements
6 of the Sex Offender Registration Act.

7 (5) Committing an act or omission involving
8 dishonesty, fraud, or misrepresentation with the intent to
9 substantially benefit the licensee or another person or
10 with intent to substantially injure another person as
11 defined by rule.

12 (6) Violating a provision or standard for the
13 development or communication of real estate appraisals as
14 provided in Section 10-10 of this Act or as defined by
15 rule.

16 (7) Failing or refusing without good cause to exercise
17 reasonable diligence in developing, reporting, or
18 communicating an appraisal, as defined by this Act or by
19 rule.

20 (8) Violating a provision of this Act or the rules
21 adopted pursuant to this Act.

22 (9) Having been disciplined by another state, the
23 District of Columbia, a territory, a foreign nation, a
24 governmental agency, or any other entity authorized to
25 impose discipline if at least one of the grounds for that
26 discipline is the same as or the equivalent of one of the

1 grounds for which a licensee may be disciplined under this
2 Act.

3 (10) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public.

6 (11) Accepting an appraisal assignment when the
7 employment itself is contingent upon the appraiser
8 reporting a predetermined estimate, analysis, or opinion
9 or when the fee to be paid is contingent upon the opinion,
10 conclusion, or valuation reached or upon the consequences
11 resulting from the appraisal assignment.

12 (12) Developing valuation conclusions based on the
13 race, color, religion, sex, national origin, ancestry,
14 age, marital status, family status, physical or mental
15 disability, sexual orientation, pregnancy, order of
16 protection status, military status, unfavorable military
17 discharge, source of income, or any other protected class,
18 as defined under the Illinois Human Rights Act, of the
19 prospective or present owners or occupants of the area or
20 property under appraisal.

21 (13) Violating the confidential nature of government
22 records to which the licensee gained access through
23 employment or engagement as an appraiser by a governmental
24 ~~government~~ agency.

25 (14) Being adjudicated liable in a civil proceeding on
26 grounds of fraud, misrepresentation, or deceit. In a

1 disciplinary proceeding based upon a finding of civil
2 liability, the appraiser shall be afforded an opportunity
3 to present mitigating and extenuating circumstances, but
4 may not collaterally attack the civil adjudication.

5 (15) Being adjudicated liable in a civil proceeding
6 for violation of a state or federal fair housing law.

7 (16) Engaging in misleading or untruthful advertising
8 or using a trade name or insignia of membership in a real
9 estate appraisal or real estate organization of which the
10 licensee is not a member.

11 (17) Failing to fully cooperate with a Department
12 investigation by knowingly making a false statement,
13 submitting false or misleading information, or refusing to
14 provide complete information in response to written
15 interrogatories or a written request for documentation
16 within 30 days of the request.

17 (18) Failing to include within the certificate of
18 appraisal for all written appraisal reports the
19 appraiser's license number and licensure title. All
20 appraisers providing significant contribution to the
21 development and reporting of an appraisal must be
22 disclosed in the appraisal report. It is a violation of
23 this Act for an appraiser to sign a report, transmittal
24 letter, or appraisal certification knowing that a person
25 providing a significant contribution to the report has not
26 been disclosed in the appraisal report.

1 (19) Violating the terms of a disciplinary order or
2 Consent ~~consent~~ to Administrative Supervision
3 ~~administrative supervision~~ order.

4 (20) Habitual or excessive use or addiction to
5 alcohol, narcotics, stimulants, or any other chemical
6 agent or drug that results in a licensee's inability to
7 practice with reasonable judgment, skill, or safety that
8 may result in significant harm to the public.

9 (21) A physical or mental illness or disability which
10 results in the inability to practice under this Act with
11 reasonable judgment, skill, or safety.

12 (22) Gross negligence in developing an appraisal or in
13 communicating an appraisal or failing to observe one or
14 more of the Uniform Standards of Professional Appraisal
15 Practice.

16 (23) A pattern of practice or other behavior that
17 demonstrates incapacity or incompetence to practice under
18 this Act.

19 (24) Using or attempting to use the seal, certificate,
20 or license of another as one's own; falsely impersonating
21 any duly licensed appraiser; using or attempting to use an
22 inactive, expired, suspended, or revoked license; or
23 aiding or abetting any of the foregoing.

24 (25) Solicitation of professional services by using
25 false, misleading, or deceptive advertising.

26 (26) Making a material misstatement in furnishing

1 information to the Department.

2 (27) Failure to furnish information to the Department
3 upon written request.

4 (b) The Department may reprimand, suspend, revoke, or
5 refuse to issue or renew an education provider's license, may
6 reprimand, place on probation, or otherwise discipline an
7 education provider, and may suspend or revoke the course
8 approval of any course offered by an education provider and
9 may impose an administrative fine not to exceed \$25,000 upon
10 an education provider, for any of the following:

11 (1) Procuring or attempting to procure licensure by
12 knowingly making a false statement, submitting false
13 information, engaging in any form of fraud or
14 misrepresentation, or refusing to provide complete
15 information in response to a question in an application
16 for licensure.

17 (2) Failing to comply with the covenants certified to
18 on the application for licensure as an education provider.

19 (3) Committing an act or omission involving
20 dishonesty, fraud, or misrepresentation or allowing any
21 such act or omission by any employee or contractor under
22 the control of the provider.

23 (4) Engaging in misleading or untruthful advertising.

24 (5) Failing to retain competent instructors in
25 accordance with rules adopted under this Act.

26 (6) Failing to meet the topic or time requirements for

1 course approval as the provider of a qualifying curriculum
2 course or a continuing education course.

3 (7) Failing to administer an approved course using the
4 course materials, syllabus, and examinations submitted as
5 the basis of the course approval.

6 (8) Failing to provide an appropriate classroom
7 environment for presentation of courses, with
8 consideration for student comfort, acoustics, lighting,
9 seating, workspace, and visual aid material.

10 (9) Failing to maintain student records in compliance
11 with the rules adopted under this Act.

12 (10) Failing to provide a certificate, transcript, or
13 other student record to the Department or to a student as
14 may be required by rule.

15 (11) Failing to fully cooperate with an investigation
16 by the Department by knowingly making a false statement,
17 submitting false or misleading information, or refusing to
18 provide complete information in response to written
19 interrogatories or a written request for documentation
20 within 30 days of the request.

21 (c) In appropriate cases, the Department may resolve a
22 complaint against a licensee through the issuance of a Consent
23 to Administrative Supervision order. A licensee subject to a
24 Consent to Administrative Supervision order shall be
25 considered by the Department as an active licensee in good
26 standing. This order shall not be reported or considered by

1 the Department to be a discipline of the licensee. The records
2 regarding an investigation and a Consent to Administrative
3 Supervision order shall be considered confidential and shall
4 not be released by the Department except as mandated by law.

5 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24;
6 revised 6-24-25.)

7 (225 ILCS 458/15-10.1)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 15-10.1. Citations.

10 (a) The Department may adopt rules to permit the issuance
11 of citations to any licensee for failure to comply with the
12 continuing education requirements set forth in this Act or as
13 established by rule. The citation shall be issued to the
14 licensee. For associate real estate trainee appraisers, a copy
15 shall also be sent to the licensee's supervising appraiser of
16 record. The citation shall contain the licensee's name, the
17 licensee's address, the licensee's license number, the number
18 of required hours of continuing education that have not been
19 successfully completed on or before ~~by~~ the licensee's ~~licensee~~
20 ~~within the~~ renewal deadline ~~period~~, and the penalty imposed,
21 which shall not exceed \$2,000. The issuance of a citation
22 shall not excuse the licensee from completing all continuing
23 education required for that term of licensure ~~renewal period~~.

24 (b) Service of a citation shall be made in person,
25 electronically, or by mail to the licensee at the licensee's

1 address of record or email address of record and ~~Service of a~~
2 ~~citation~~ must clearly state that if the cited licensee wishes
3 to dispute the citation, the cited licensee may make a written
4 request, within 30 days after the citation is served, for a
5 hearing before the Department. If the cited licensee does not
6 request a hearing within 30 days after the citation is served,
7 then ~~the citation shall become~~ a final, non-disciplinary order
8 shall be entered, and any fine imposed is due and payable
9 within 30 ~~60~~ days after the entry of that final order. If the
10 cited licensee requests a hearing within 30 days after the
11 citation is served, the Department shall afford the cited
12 licensee a hearing conducted in the same manner as a hearing
13 provided for in this Act for any violation of this Act and
14 shall determine whether the cited licensee committed the
15 violation as charged and whether the fine as levied is
16 warranted. If the violation is found, any fine shall
17 constitute non-public discipline and be due and payable within
18 30 days after the order of the Secretary, which shall
19 constitute a final order of the Department. No change in
20 license status may be made by the Department until a final
21 order of the Department has been issued.

22 (c) Payment of a fine that has been assessed pursuant to
23 this Section shall not constitute disciplinary action
24 reportable on the Department's website or elsewhere unless a
25 licensee has previously received 2 or more citations and been
26 assessed 2 or more fines.

1 (d) Nothing in this Section shall prohibit or limit the
2 Department from taking further action pursuant to this Act and
3 rules for additional, repeated, or continuing violations.

4 (Source: P.A. 102-20, eff. 1-1-22.)

5 (225 ILCS 458/15-11)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 15-11. Illegal discrimination.

8 (a) When there has been an adjudication in a civil or
9 criminal proceeding that a licensee has illegally
10 discriminated while engaged in any activity for which a
11 license is required under this Act, the Department, following
12 notice to the licensee and a hearing in accordance with
13 Section 15-15 and upon the recommendation of the Board as to
14 the extent of the suspension or revocation, shall suspend or
15 revoke the license of that licensee in a timely manner, unless
16 the adjudication is in the appeal process. The finding or
17 judgment of the civil or criminal proceeding is a matter of
18 record, the merits of which shall not be challenged in a
19 request for a hearing by the licensee.

20 (b) When there has been an order in an administrative
21 proceeding finding that a licensee has illegally discriminated
22 while engaged in any activity for which a license is required
23 under this Act, the Department, following notice to the
24 licensee and a hearing in accordance with Section 15-15, and
25 upon recommendation of the Board as to the nature and extent of

1 the discipline, shall take one or more of the disciplinary
2 actions provided for in this Act ~~Section 15-10~~ in a timely
3 manner, unless the administrative order is in the appeal
4 process. The finding of the administrative order is a matter
5 of record, the merits of which shall not be challenged in a
6 request for a hearing by the licensee.

7 (Source: P.A. 102-20, eff. 1-1-22.)

8 (225 ILCS 458/15-15)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 15-15. Investigation; notice; hearing.

11 (a) Upon the motion of the Department or the Board or upon
12 a complaint in writing of a person setting forth facts that, if
13 proven, would constitute grounds for suspension, revocation,
14 or other disciplinary action, the Department shall investigate
15 the actions or qualifications of any person who is a licensee,
16 applicant for licensure, unlicensed person, person rendering
17 or offering to render appraisal services, or person holding or
18 claiming to hold a license under this Act. If, upon
19 investigation, the Department believes that there may be cause
20 for suspension, revocation, or other disciplinary action, the
21 Department may ~~shall~~ use the services of a State certified
22 general real estate appraiser, a State certified residential
23 real estate appraiser, or the Coordinator to assist in
24 determining whether grounds for disciplinary action exist
25 prior to commencing formal disciplinary proceedings.

1 (b) Formal disciplinary proceedings shall commence upon
2 the issuance of a written complaint describing the charges
3 that are the basis of the disciplinary action and delivery of
4 the detailed complaint to the most recent address of record or
5 email address of record of the person charged as provided to
6 the Department. For an associate real estate trainee
7 appraiser, a copy shall also be sent to the licensee's
8 supervising appraiser of record at the supervising appraiser's
9 most recent address of record or email address of record as
10 provided to the Department. The Department shall notify the
11 person to file a verified written answer within 20 days after
12 the service of the notice and complaint. The notification
13 shall inform the person of the right to be heard in person or
14 by legal counsel; that the hearing will be afforded not sooner
15 than 20 days after service of the complaint; that failure to
16 file an answer after service of notice will result in a default
17 being entered against the person; that the license may be
18 suspended, revoked, or placed on probationary status; and that
19 the Department may take whatever other disciplinary action may
20 be taken pursuant to this Act, including limiting the scope,
21 nature, or extent of the licensee's practice. ~~If the person~~
22 ~~fails to file an answer after service of notice, the~~
23 ~~respective license may, at the discretion of the Department,~~
24 ~~be suspended, revoked, or placed on probationary status and~~
25 ~~the Department may take whatever disciplinary action it deems~~
26 ~~proper, including limiting the scope, nature, or extent of the~~

1 ~~person's practice, without a hearing.~~

2 (c) At the time and place fixed in the notice, the
3 Department Board shall conduct a hearing of the charges,
4 providing the parties ~~both the person charged and the~~
5 ~~complainant~~ ample opportunity to present in person or by
6 counsel such statements, testimony, evidence, and argument as
7 may be pertinent to the charges or to a defense thereto. The
8 Department may continue such hearing from time to time.

9 If the person fails to file an answer after service of
10 notice, the respective license may, at the discretion of the
11 Department, be suspended, revoked, or placed on probationary
12 status and the Department may take whatever disciplinary
13 action it deems proper, including limiting the scope, nature,
14 or extent of the person's practice, without a hearing, if the
15 act or acts charged constitute sufficient grounds for such
16 action under this Act.

17 (c-5) The Secretary shall have the authority to appoint an
18 attorney duly licensed to practice law in the State of
19 Illinois to serve as the hearing officer in any action to
20 suspend, revoke, or otherwise discipline any license issued by
21 the Department. The Hearing Officer shall have full authority
22 to conduct the hearing.

23 There may be present one or more members of the Board at
24 any such hearing. The hearing officer shall report the hearing
25 officer's findings and recommendations to the Board and the
26 Secretary. The Board shall have 60 days from receipt of the

1 report to review the report of the hearing officer and present
2 its findings of fact, conclusions of law, and recommendations
3 to the Secretary. If the Board fails to present its findings of
4 fact, conclusions of law, and recommendations within the
5 60-day period, the Department may request in writing a direct
6 appeal to the Secretary, in which case the Secretary may issue
7 an order based upon the report of the hearing officer and the
8 record of the proceedings or issue an order remanding the
9 matter back to the hearing officer for additional proceedings
10 in accordance with the order. If the Board fails to present its
11 findings of fact, conclusions of law, and recommendations
12 within a 60-day period after receiving an Order of Default,
13 the Department may request in writing a direct appeal to the
14 Secretary.

15 (d) The Board shall present to the Secretary a written
16 report of its findings of fact and recommendations. A copy of
17 the report shall be served upon the person either by mail or,
18 at the discretion of the Department, by electronic means. For
19 associate real estate trainee appraisers, a copy shall also be
20 sent to the licensee's supervising appraiser of record. Within
21 20 days after the service, the person may present to the
22 Department ~~Secretary with~~ a motion in writing for a rehearing
23 that specifies ~~and shall specify~~ the particular grounds for
24 the request. If the person orders a transcript of the record
25 from the applicable reporting service and pays for the
26 transcript within the 20-day period for filing a motion for

1 rehearing, the 20-day period shall restart upon the delivery
2 of the transcript.

3 Notwithstanding any other provision of this Section, if
4 the Secretary, upon review, determines that substantial
5 justice has not been done in the revocation, suspension, or
6 refusal to issue or renew a license or any other disciplinary
7 action taken as a result of the entry of the hearing officer's
8 report, the Secretary may order a rehearing by the Board or
9 other special committee appointed by the Secretary or may
10 remand the matter to the Board for its reconsideration of the
11 matter based on the pleadings and evidence presented to the
12 Board. If the Secretary disagrees in any regard with the
13 report of the Board or the hearing officer, the Secretary may
14 issue an order in contravention of the Board or the hearing
15 officer. If the person orders a transcript of the record as
16 provided in this Act, the time elapsing thereafter and before
17 the transcript is ready for delivery to the person shall not be
18 counted as part of the 20 days. If the Secretary is not
19 satisfied that substantial justice has been done, the
20 Secretary may order a rehearing by the Board or other special
21 committee appointed by the Secretary, may remand the matter to
22 the Board for its reconsideration of the matter based on the
23 pleadings and evidence presented to the Board, or may enter a
24 final order in contravention of the Board's recommendation.
25 Notwithstanding a person's failure to file a motion for
26 rehearing, the Secretary shall have the right to take any of

1 the actions specified in this subsection (d). Upon the
2 suspension or revocation of a license, the licensee shall be
3 required to surrender the respective license to the
4 Department, and upon failure or refusal to do so, the
5 Department shall have the right to seize the license.

6 (e) The Department has the power to issue subpoenas and
7 subpoenas duces tecum to bring before it any person in this
8 State, to take testimony, or to require production of any
9 records relevant to an inquiry or hearing by the Board in the
10 same manner as prescribed by law in judicial proceedings in
11 the courts of this State. In a case of refusal of a witness to
12 attend, testify, or to produce books or papers concerning a
13 matter upon which the witness might be lawfully examined, the
14 circuit court of the county where the hearing is held, upon
15 application of the Department or any party to the proceeding,
16 may compel obedience by proceedings as for contempt.

17 (f) Any license that is revoked may not be restored for a
18 minimum period of 3 years.

19 (g) In addition to the provisions of this Section
20 concerning the conduct of hearings and the recommendations for
21 discipline, the Department has the authority to negotiate
22 disciplinary and non-disciplinary settlement agreements
23 concerning any license issued under this Act. All such
24 agreements shall be recorded as Consent Orders or Consent to
25 Administrative Supervision Orders.

26 (h) (Blank). ~~The Secretary shall have the authority to~~

1 ~~appoint an attorney duly licensed to practice law in the State~~
2 ~~of Illinois to serve as the hearing officer in any action to~~
3 ~~suspend, revoke, or otherwise discipline any license issued by~~
4 ~~the Department. The Hearing Officer shall have full authority~~
5 ~~to conduct the hearing.~~

6 (i) The Department, at its expense, shall preserve a
7 record of all formal hearings of any contested case involving
8 the discipline of a license. At all hearings or pre-hearing
9 conferences, the Department and the licensee shall be entitled
10 to have the proceedings transcribed by a certified shorthand
11 reporter. A copy of the transcribed proceedings shall be made
12 available to the licensee by the certified shorthand reporter
13 upon payment of the prevailing contract copy rate.

14 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
15 103-236, eff. 1-1-24; revised 6-24-25.)

16 (225 ILCS 458/25-10)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 25-10. Real Estate Appraisal Administration and
19 Disciplinary Board; appointment.

20 (a) There is hereby created the Real Estate Appraisal
21 Administration and Disciplinary Board. The Board shall be
22 composed of the Coordinator and 10 persons appointed by the
23 Governor. Members shall be appointed to the Board subject to
24 the following conditions:

25 (1) All appointed members shall have been residents

1 and citizens of this State for at least 5 years prior to
2 the date of appointment.

3 (2) The appointed membership of the Board should
4 reasonably reflect the geographic distribution of the
5 population of the State.

6 (3) Four appointed members shall have been actively
7 engaged and currently licensed as State certified general
8 real estate appraisers for a period of not less than 5
9 years.

10 (4) Three appointed members shall have been actively
11 engaged and currently licensed as State certified
12 residential real estate appraisers for a period of not
13 less than 5 years.

14 (5) One appointed member shall hold a valid license as
15 a real estate broker for at least 3 years prior to the date
16 of the appointment and shall hold either a valid State
17 certified general real estate appraiser license or a valid
18 State certified residential appraiser license issued under
19 this Act or a predecessor Act for a period of at least 5
20 years prior to the appointment.

21 (6) One appointed member shall be a representative of
22 a financial institution, as evidenced by proof of
23 employment with a financial institution.

24 (7) One appointed member shall represent the interests
25 of the general public. This member or the member's spouse
26 shall not be licensed under this Act nor be employed by or

1 have any financial interest in an appraisal business,
2 appraisal management company, real estate brokerage
3 business, or a financial institution.

4 In making appointments as provided in paragraphs (3) and
5 (4) of this subsection, the Governor shall give due
6 consideration to recommendations by members and organizations
7 representing the profession.

8 In making the appointments as provided in paragraph (5) of
9 this subsection, the Governor shall give due consideration to
10 the recommendations by members and organizations representing
11 the real estate industry.

12 In making the appointment as provided in paragraph (6) of
13 this subsection, the Governor shall give due consideration to
14 the recommendations by members and organizations representing
15 financial institutions.

16 (b) The members' terms shall be for 4 years or until a
17 successor is appointed. No member shall be reappointed to the
18 Board for a term that would cause the member's cumulative
19 service to the Board to exceed 12 years. Appointments to fill
20 vacancies shall be for the unexpired portion of the term.

21 (c) The Governor may terminate the appointment of a member
22 for cause that, in the opinion of the Governor, reasonably
23 justifies the termination. Cause for termination may include,
24 without limitation, misconduct, incapacity, neglect of duty,
25 or missing 4 Board meetings during any one fiscal year.

26 (d) A majority of the Board members shall constitute a

1 quorum. A vacancy in the membership of the Board shall not
2 impair the right of a quorum to exercise all of the rights and
3 perform all of the duties of the Board.

4 (e) The Board shall meet at least monthly ~~and may be~~
5 ~~convened by the Chairperson, Vice Chairperson, or 3 members of~~
6 ~~the Board upon 10 days written notice.~~

7 (f) The Board shall, annually at the first meeting of the
8 fiscal year, elect a Chairperson and Vice-Chairperson from its
9 members. The Chairperson shall preside over the meetings and
10 shall coordinate with the Coordinator in developing and
11 distributing an agenda for each meeting. In the absence of the
12 Chairperson, the Vice-Chairperson shall preside over the
13 meeting.

14 (g) The Coordinator shall serve as a member of the Board
15 without vote.

16 (h) The Board shall advise and make recommendations to the
17 Department on the education and experience qualifications of
18 any applicant for initial licensure as a State certified
19 general real estate appraiser or a State certified residential
20 real estate appraiser. The Department shall not make any
21 decisions concerning education or experience qualifications of
22 an applicant for initial licensure as a State certified
23 general real estate appraiser or a State certified residential
24 real estate appraiser without having first received the advice
25 and recommendation of the Board and shall give due
26 consideration to all such advice and recommendations; however,

1 if the Board does not render advice or make a recommendation
2 within a reasonable amount of time, then the Department may
3 render a decision.

4 (i) Except as provided in Section 15-17 of this Act, the
5 Board shall hear and make recommendations to the Secretary on
6 disciplinary matters that require a formal evidentiary
7 hearing. The Secretary shall give due consideration to the
8 recommendations of the Board involving discipline and
9 questions involving standards of professional conduct of
10 licensees.

11 (j) The Department shall seek and the Board shall provide
12 recommendations to the Department consistent with the
13 provisions of this Act and for the administration and
14 enforcement of all rules adopted pursuant to this Act. The
15 Department shall give due consideration to such
16 recommendations prior to adopting rules.

17 (k) The Department shall seek and the Board shall provide
18 recommendations to the Department on the approval of all
19 courses submitted to the Department pursuant to this Act and
20 the rules adopted pursuant to this Act. The Department shall
21 not approve any courses without having first received the
22 recommendation of the Board and shall give due consideration
23 to such recommendations prior to approving and licensing
24 courses; however, if the Board does not make a recommendation
25 within a reasonable amount of time, then the Department may
26 approve courses.

1 (1) Each voting member of the Board may receive a per diem
2 stipend in an amount to be determined by the Secretary. While
3 engaged in the performance of duties, each member shall be
4 reimbursed for necessary expenses.

5 (m) Members of the Board shall be immune from suit in an
6 action based upon any disciplinary proceedings or other acts
7 performed in good faith as members of the Board.

8 (n) If the Department disagrees with any advice or
9 recommendation provided by the Board under this Section to the
10 Secretary or the Department, then notice of such disagreement
11 must be provided to the Board by the Department.

12 (o) (Blank).

13 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
14 103-236, eff. 1-1-24.)

15 Section 50. The Appraisal Management Company Registration
16 Act is amended by changing Sections 10, 15, 20, 43, 45, 60, 65,
17 75, 105, 110, 125, 165 as follows:

18 (225 ILCS 459/10)

19 Sec. 10. Definitions. In this Act:

20 "Address of record" means the principal address recorded
21 by the Department in the applicant's or registrant's
22 application file or registration file maintained by the
23 Department's registration maintenance unit.

24 "Applicant" means a person or entity who applies to the

1 Department for a registration under this Act.

2 "Appraisal" means (noun) the act or process of developing
3 an opinion of value; an opinion of value (adjective) of or
4 pertaining to appraising and related functions.

5 "Appraisal firm" means an appraisal entity that is 100%
6 owned and controlled by a person or persons licensed in
7 Illinois as a certified general real estate appraiser or a
8 certified residential real estate appraiser. An appraisal firm
9 does not include an appraisal management company.

10 "Appraisal management company" means any corporation,
11 limited liability company, partnership, sole proprietorship,
12 subsidiary, unit, or other business entity that directly or
13 indirectly: (1) provides appraisal management services to
14 creditors or secondary mortgage market participants, including
15 affiliates; (2) provides appraisal management services in
16 connection with valuing the consumer's principal dwelling as
17 security for a consumer credit transaction (including consumer
18 credit transactions incorporated into securitizations); and
19 (3) any appraisal management company that, within a given
20 12-month period, oversees an appraiser panel of 16 or more
21 State-certified appraisers in Illinois or 25 or more
22 State-certified or State-licensed appraisers in 2 or more
23 jurisdictions. "Appraisal management company" includes a
24 hybrid entity.

25 "Appraisal management company national registry fee" means
26 the fee implemented pursuant to Title XI of the federal

1 Financial Institutions Reform, Recovery, and Enforcement Act
2 of 1989 for an appraiser management company's national
3 registry.

4 "Appraisal management services" means one or more of the
5 following:

6 (1) recruiting, selecting, and retaining appraisers;

7 (2) contracting with State-certified or State-licensed
8 appraisers to perform appraisal assignments;

9 (3) managing the process of having an appraisal
10 performed, including providing administrative services
11 such as receiving appraisal orders and appraisal reports;
12 submitting completed appraisal reports to creditors and
13 secondary market participants; collecting compensation
14 from creditors, underwriters, or secondary market
15 participants for services provided; and ~~or~~ paying
16 appraisers for services performed; and ~~or~~

17 (4) reviewing and verifying the work of appraisers.

18 "Appraiser panel" means a network, list, or roster of
19 licensed or certified appraisers approved by the appraisal
20 management company or by the end-user client to perform
21 appraisals as independent contractors for the appraisal
22 management company. "Appraiser panel" includes both appraisers
23 accepted by an appraisal management company for consideration
24 for future appraisal assignments and appraisers engaged by an
25 appraisal management company to perform one or more
26 appraisals. For the purposes of determining the size of an

1 appraiser panel, only independent contractors of hybrid
2 entities shall be counted towards the appraiser panel.

3 "Appraiser panel fee" means the amount collected from a
4 registrant that, where applicable, includes an appraisal
5 management company's national registry fee.

6 "Appraisal report" means a written appraisal by an
7 appraiser to a client.

8 "Appraisal practice service" means valuation services
9 performed by an individual acting as an appraiser, including,
10 but not limited to, appraisal or appraisal review.

11 "Appraisal subcommittee" means the appraisal subcommittee
12 of the Federal Financial Institutions Examination Council as
13 established by Title XI.

14 "Appraiser" means a person who performs real estate or
15 real property appraisals.

16 "Assignment result" means an appraiser's opinions and
17 conclusions developed specific to an assignment.

18 "Audit" includes, but is not limited to, an annual or
19 special audit, visit, or review necessary under this Act or
20 required by the Secretary or the Secretary's authorized
21 representative in carrying out the duties and responsibilities
22 under this Act.

23 "Client" means the party or parties who engage an
24 appraiser by employment or contract in a specific appraisal
25 assignment.

26 "Controlling person" means:

1 (1) an owner, officer, or director of an entity
2 seeking to offer appraisal management services;

3 (2) an individual employed, appointed, or authorized
4 by an appraisal management company who has the authority
5 to:

6 (A) enter into a contractual relationship with a
7 client for the performance of an appraisal management
8 service or appraisal practice service; and

9 (B) enter into an agreement with an appraiser for
10 the performance of a real estate appraisal activity;

11 (3) an individual who possesses, directly or
12 indirectly, the power to direct or cause the direction of
13 the management or policies of an appraisal management
14 company; or

15 (4) an individual who will act as the sole compliance
16 officer with regard to this Act and any rules adopted
17 under this Act.

18 "Covered transaction" means a consumer credit transaction
19 secured by a consumer's principal dwelling.

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Email address of record" means the designated email
23 address recorded by the Department in the applicant's
24 application file or the registrant's registration file
25 maintained by the Department's registration maintenance unit.

26 "Entity" means a corporation, a limited liability company,

1 partnership, a sole proprietorship, or other entity providing
2 services or holding itself out to provide services as an
3 appraisal management company or an appraisal management
4 service.

5 "End-user client" means any person who utilizes or engages
6 the services of an appraiser through an appraisal management
7 company.

8 "Federally regulated appraisal management company" means
9 an appraisal management company that is owned and controlled
10 by an insured depository institution, as defined in 12 U.S.C.
11 1813, or an insured credit union, as defined in 12 U.S.C. 1752,
12 and regulated by the Office of the Comptroller of the
13 Currency, the Federal Reserve Board, the National Credit Union
14 Association, or the Federal Deposit Insurance Corporation.

15 "Financial institution" means any bank, savings bank,
16 savings and loan association, credit union, mortgage broker,
17 mortgage banker, registrant under the Consumer Installment
18 Loan Act or the Sales Finance Agency Act, or a corporate
19 fiduciary, subsidiary, affiliate, parent company, or holding
20 company of any registrant, or any institution involved in real
21 estate financing that is regulated by State or federal law.

22 "Foreign appraisal management company" means any appraisal
23 management company organized under the laws of any other state
24 of the United States, the District of Columbia, or any other
25 jurisdiction of the United States.

26 "Hybrid entity" means an appraisal management company that

1 hires an appraiser as an employee to perform an appraisal and
2 engages an independent contractor to perform an appraisal.

3 "Multi-state licensing system" means a web-based platform
4 that allows an applicant to submit the application or
5 registration renewal to the Department online.

6 "Person" means individuals, entities, sole
7 proprietorships, corporations, limited liability companies,
8 and alien, foreign, or domestic partnerships, except that when
9 the context otherwise requires, the term may refer to a single
10 individual or other described entity.

11 "Principal dwelling" means a residential structure that
12 contains one to 4 units, whether or not that structure is
13 attached to real property. "Principal dwelling" includes an
14 individual condominium unit, cooperative unit, manufactured
15 home, mobile home, and trailer, if it is used as a residence.

16 "Principal office" means the actual, physical business
17 address, which shall not be a post office box or a virtual
18 business address, of a registrant, at which (i) the Department
19 may contact the registrant and (ii) records required under
20 this Act are maintained.

21 "Qualified to transact business in this State" means being
22 in compliance with the requirements of the Business
23 Corporation Act of 1983.

24 "Quality control review" means a review of an appraisal
25 report for compliance and completeness, including grammatical,
26 typographical, or other similar errors, unrelated to

1 developing an opinion of value.

2 "Real estate" means an identified parcel or tract of land,
3 including any improvements.

4 "Real estate related financial transaction" means any
5 transaction involving:

6 (1) the sale, lease, purchase, investment in, or
7 exchange of real property, including interests in property
8 or the financing thereof;

9 (2) the refinancing of real property or interests in
10 real property; and

11 (3) the use of real property or interest in property
12 as security for a loan or investment, including mortgage
13 backed securities.

14 "Real property" means the interests, benefits, and rights
15 inherent in the ownership of real estate.

16 "Secretary" means the Secretary of Financial and
17 Professional Regulation.

18 "USPAP" means the Uniform Standards of Professional
19 Appraisal Practice as adopted by the Appraisal Standards Board
20 under Title XI.

21 "Valuation" means any estimate of the value of real
22 property in connection with a creditor's decision to provide
23 credit, including those values developed under a policy of a
24 government sponsored enterprise or by an automated valuation
25 model or other methodology or mechanism.

26 "Written notice" means a communication transmitted by mail

1 or by electronic means that can be verified between an
2 appraisal management company and a licensed or certified real
3 estate appraiser.

4 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21.)

5 (225 ILCS 459/15)

6 Sec. 15. Exemptions.

7 (a) Nothing in this Act shall apply to any of the
8 following:

9 (1) an agency of the federal, State, county, or
10 municipal government or an officer or employee of a
11 governmental ~~government~~ agency, or person, described in
12 this Section when acting within the scope of employment of
13 the officer or employee;

14 (2) a corporate relocation company when the appraisal
15 is not used for mortgage purposes and the end user client
16 is an employer company;

17 (3) any person licensed in this State under any other
18 Act while engaged in the activities or practice for which
19 the person ~~he or she~~ is licensed;

20 (4) any person licensed to practice law in this State
21 who is working with or on behalf of a client of that person
22 in connection with one or more appraisals for that client;

23 (5) an appraiser that enters into an agreement,
24 whether written or otherwise, with another appraiser for
25 the performance of an appraisal, and upon the completion

1 of the appraisal, the report of the appraiser performing
2 the appraisal is signed by both the appraiser who
3 completed the appraisal and the appraiser who requested
4 the completion of the appraisal, except that an appraisal
5 management company may not avoid the requirement of
6 registration under this Act by requiring an employee of
7 the appraisal management company who is an appraiser to
8 sign an appraisal that was completed by another appraiser
9 who is part of the appraisal panel of the appraisal
10 management company;

11 (6) any person acting as an agent of the Illinois
12 Department of Transportation in the acquisition or
13 relinquishment of land for transportation issues to the
14 extent of their contract scope;

15 (7) a design professional entity when the appraisal is
16 not used for mortgage purposes and the end user client is
17 an agency of State government or a unit of local
18 government;

19 (8) an appraiser firm whose ownership is appropriately
20 certified under the Real Estate Appraiser Licensing Act of
21 2002;

22 (9) an appraisal management company solely engaged in
23 non-residential appraisal management services; or

24 (10) a department or division of an entity that
25 provides appraisal management services only to that
26 entity.

1 (b) A federally regulated appraisal management company
2 shall register with the Department for the sole purpose of
3 collecting required information for, and to pay all fees
4 associated with, the State of Illinois' obligation to register
5 the federally regulated appraisal management company with the
6 Appraisal Management Companies National Registry, but the
7 federally regulated appraisal management company is otherwise
8 exempt from all other provisions in this Act.

9 (c) In the event that the Final Interim Rule of the federal
10 Dodd-Frank Wall Street Reform and Consumer Protection Act
11 provides that an appraisal management company is a subsidiary
12 owned and controlled by a financial institution regulated by a
13 federal financial institution's regulatory agency and is
14 exempt from State appraisal management company registration
15 requirements, the Department, shall, by rule, provide for the
16 implementation of such an exemption.

17 (Source: P.A. 102-20, eff. 1-1-22.)

18 (225 ILCS 459/20)

19 Sec. 20. Restrictions and limitations. Beginning January
20 1, 2012, it is unlawful for a person or entity to act or assume
21 to act as an appraisal management company as defined in this
22 Act, to engage in the business of appraisal management
23 service, or to advertise or hold oneself ~~himself or herself~~
24 out to be a registered appraisal management company without
25 first obtaining a registration issued by the Department under

1 this Act. A person or entity that violates this Section is
2 guilty of a Class A misdemeanor for the first offense and a
3 Class 4 felony for second and subsequent offenses.

4 (Source: P.A. 100-604, eff. 7-13-18.)

5 (225 ILCS 459/43)

6 Sec. 43. Application denial. If an application is denied,
7 the applicant may, within 20 days after the date of the notice
8 of denial, make a written request to the Secretary for a
9 hearing on the application, and the Secretary shall set a time
10 and place for the hearing. The hearing shall be set for a date
11 after the receipt by the Secretary of the request for hearing,
12 and notice of the time and place of the hearing shall be
13 communicated to the applicant at least 10 days before the date
14 of the hearing. The applicant shall pay the actual cost of
15 making the transcript of the hearing before the Secretary
16 issues a ~~his or her~~ decision following the hearing. If,
17 following the hearing, the application is denied, the
18 Secretary shall prepare and keep on file ~~in his or her office~~ a
19 written order of denial thereof that shall contain the ~~his or~~
20 ~~her~~ findings and the reasons supporting the denial and shall
21 communicate a copy to the applicant in a manner prescribed by
22 the Department. A decision may be reviewed as provided in
23 Section 135.

24 (Source: P.A. 100-604, eff. 7-13-18.)

1 (225 ILCS 459/45)

2 Sec. 45. Expiration and renewal of registration. The
3 expiration date and renewal period for each registration shall
4 be set by rule. A registrant whose registration has expired
5 may reinstate the ~~his or her~~ registration at any time within 5
6 years after the expiration thereof, by making a renewal
7 application and by paying the required fee.

8 Any registrant whose registration has expired for more
9 than 5 years may have it restored by making an application to
10 the Department, paying the required fee, and filing acceptable
11 proof of fitness to have the registration restored as set by
12 rule.

13 (Source: P.A. 97-602, eff. 8-26-11.)

14 (225 ILCS 459/60)

15 Sec. 60. 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
21 discipline provided under this Act for unregistered practice
22 or practice on a nonrenewed registration. The Department shall
23 notify the person that payment of fees and fines shall be paid
24 to the Department by certified check or money order within 30
25 calendar days of the notification. If, after the expiration of

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

14 (Source: P.A. 97-602, eff. 8-26-11.)

15 (225 ILCS 459/65)

16 Sec. 65. Disciplinary actions.

17 (a) The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary or non-disciplinary action as the Department may
20 deem appropriate, including imposing fines not to exceed
21 \$25,000 for each violation upon any registrant or applicant
22 under this Act or entity who holds oneself or itself out as an
23 applicant or registrant, for any one or combination of the
24 following:

25 (1) Material misstatement in furnishing information to

1 the Department.

2 (2) Violations of this Act~~7~~ or of the rules adopted
3 under this Act.

4 (3) Conviction of~~7~~ or entry of a plea of guilty or nolo
5 contendere to any crime that is a felony under the laws of
6 the United States or any state or territory thereof or
7 that is a misdemeanor of which an essential element is
8 dishonesty, or any crime that is directly related to the
9 practice of the profession.

10 (4) Making any misrepresentation for the purpose of
11 obtaining registration or violating any provision of this
12 Act or the rules adopted under this Act pertaining to
13 advertising.

14 (5) Professional incompetence.

15 (6) Gross malpractice.

16 (7) Aiding or assisting another person in violating
17 any provision of this Act, the Illinois Real Estate
18 Appraiser Licensing Act of 2002, or the ~~or~~ rules adopted
19 under either ~~this~~ Act.

20 (8) Failing, within 30 days after requested, to
21 provide information in response to a written request made
22 by the Department.

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

26 (10) Discipline by another state, the District of

1 Columbia, a territory, or a foreign nation, if at least
2 one of the grounds for the discipline is the same or
3 substantially equivalent to those set forth in this
4 Section.

5 (11) A finding by the Department that the registrant,
6 after having the registrant's registration placed on
7 probationary status, has violated the terms of probation.

8 (12) Willfully making or filing false records or
9 reports in the registrant's practice, including, but not
10 limited to, false records filed with State agencies or
11 departments.

12 (13) Filing false statements for collection of fees
13 for which services are not rendered.

14 (14) Practicing under a false or, except as provided
15 by law, an assumed name.

16 (15) Fraud or misrepresentation in applying for, or
17 procuring, a registration under this Act or in connection
18 with applying for renewal of a registration under this
19 Act.

20 (16) Being adjudicated liable in a civil proceeding
21 for violation of a state or federal fair housing law.

22 (17) (Blank). ~~Failure to obtain or maintain the bond~~
23 ~~required under Section 50 of this Act.~~

24 (18) Failure to pay appraiser panel fees or appraisal
25 management company national registry fees.

26 (19) Violating the terms of any order issued by the

1 Department.

2 (b) The Department may refuse to issue or may suspend
3 without hearing as provided for in the Department of
4 Professional Regulation Law of the Civil Administrative Code
5 of Illinois the registration of any person who fails to file a
6 return, or to pay the tax, penalty, or interest shown in a
7 filed return, or to pay any final assessment of the tax,
8 penalty, or interest as required by any tax Act administered
9 by the Illinois Department of Revenue, until such time as the
10 requirements of any such tax Act are satisfied.

11 (b-5) The Department may refuse to issue or renew or may
12 suspend without hearing as provided for in the Department of
13 Professional Regulation Law of the Civil Administrative Code
14 of Illinois the registration of any person who fails to pay or
15 secure workers' compensation obligations as determined by and
16 based solely upon the certification of the Department of
17 Insurance or the Illinois Workers' Compensation Commission.

18 (c) An appraisal management company shall not be
19 registered or included on the national registry if the
20 company, in whole or in part, directly or indirectly, is owned
21 by a person who has had an appraiser license or certificate
22 refused, denied, canceled, surrendered in lieu of revocation,
23 or revoked under the Real Estate Appraiser Licensing Act of
24 2002 or the rules adopted under that Act, or similar
25 discipline by another state, the District of Columbia, a
26 territory, a foreign nation, a governmental agency, or an

1 entity authorized to impose discipline if at least one of the
2 grounds for that discipline is the same as or the equivalent of
3 one of the grounds for which a licensee may be disciplined as
4 set forth under this Section.

5 (Source: P.A. 103-236, eff. 1-1-24; revised 6-24-25.)

6 (225 ILCS 459/75)

7 Sec. 75. Investigations; notice and hearing. The
8 Department may investigate the actions of any person who is an
9 applicant or of any person or persons rendering or offering to
10 render any services requiring registration under this Act or
11 any person holding or claiming to hold a registration as an
12 appraisal management company. The Department shall, before
13 revoking, suspending, placing on probation, reprimanding, or
14 taking any other disciplinary or non-disciplinary action under
15 Section 65 or Section 165 of this Act, at least 30 days before
16 the date set for the hearing, (i) notify the person charged in
17 writing of the charges made and the time and place for the
18 hearing on the charges, (ii) direct the person to file a
19 written answer to the charges with the Department under oath
20 within 20 days after service of the notice, and (iii) inform
21 the person that, if the person fails to answer, default will be
22 entered or that the person's registration may be suspended,
23 revoked, placed on probationary status, or other disciplinary
24 action taken with regard to the registration, including
25 limiting the scope, nature, or extent of the person's

1 practice, as the Department may consider proper. At the time
2 and place fixed in the notice, the Department shall proceed to
3 hear the charges and the parties or their counsel shall be
4 accorded ample opportunity to present any pertinent
5 statements, testimony, evidence, and arguments. The Department
6 may continue the hearing from time to time. In case the person,
7 after receiving the notice, fails to file an answer, the
8 person's registration may, in the discretion of the
9 Department, be suspended, revoked, placed on probationary
10 status, or the Department may take whatever disciplinary
11 action considered proper, including limiting the scope,
12 nature, or extent of the person's practice or the imposition
13 of a fine, without a hearing, if the act or acts charged
14 constitute sufficient grounds for that action under this Act.
15 The written notice may be served by certified mail or
16 electronic mail to the last address of record or email address
17 of record as provided to the Department or, if in the course of
18 the administrative proceeding the party has previously
19 designated a specific email address at which to accept
20 electronic service for that specific proceeding, by sending a
21 copy by email to the party's email address on record.

22 (Source: P.A. 103-236, eff. 1-1-24.)

23 (225 ILCS 459/105)

24 Sec. 105. Secretary; rehearing. Whenever the Secretary
25 believes that substantial justice has not been done in the

1 revocation, suspension, or refusal to issue, restore, or renew
2 a registration, or other discipline of an applicant or
3 registrant, the Secretary ~~he or she~~ may order a rehearing by
4 the same or other hearing officers.

5 (Source: P.A. 97-602, eff. 8-26-11.)

6 (225 ILCS 459/110)

7 Sec. 110. Appointment of a hearing officer. The Secretary
8 has the authority to appoint any attorney licensed to practice
9 law in the State to serve as the hearing officer in any action
10 for refusal to issue, restore, or renew a registration or to
11 discipline a registrant. The hearing officer has full
12 authority to conduct the hearing. The hearing officer shall
13 report the ~~his or her~~ findings of fact, conclusions of law, and
14 recommendations to the Secretary. If the Secretary disagrees
15 with the recommendation of the hearing officer, the Secretary
16 may issue an order in contravention of the recommendation.

17 (Source: P.A. 97-602, eff. 8-26-11.)

18 (225 ILCS 459/125)

19 Sec. 125. Surrender of registration. Upon the revocation
20 or suspension of a registration, the registrant shall
21 immediately surrender the ~~his or her~~ registration to the
22 Department. If the registrant fails to do so, the Department
23 has the right to seize the registration.

24 (Source: P.A. 97-602, eff. 8-26-11.)

1 (225 ILCS 459/165)

2 Sec. 165. Prohibited activities.

3 (a) No person or entity acting in the capacity of an
4 appraisal management company shall improperly influence or
5 attempt to improperly influence the development, reporting,
6 result, or review of any appraisal by engaging, without
7 limitation, in any of the following:

8 (1) Withholding or threatening to withhold timely
9 payment for a completed appraisal, except where addressed
10 in a mutually agreed upon contract.

11 (2) Withholding or threatening to withhold, either
12 expressed or by implication, future business from, or
13 demoting, or terminating, or threatening to demote or
14 terminate an Illinois licensed or certified appraiser.

15 (3) Expressly or impliedly promising future business,
16 promotions, or increased compensation for an independent
17 appraiser.

18 (4) Conditioning an assignment for an appraisal
19 service or the payment of an appraisal fee or salary or
20 bonus on the opinion, conclusion, or valuation to be
21 reached in an appraisal report.

22 (5) Requesting that an appraiser provide an estimated,
23 predetermined, or desired valuation in an appraisal report
24 or provide estimated values or sales at any time prior to
25 the appraiser's completion of an appraisal report.

1 (6) Allowing or directing the removal of an appraiser
2 from an appraisal panel without prior written notice to
3 the appraiser.

4 (7) Requiring an appraiser to sign a non-compete
5 clause when not an employee of the entity.

6 (8) Requiring an appraiser to sign any sort of
7 indemnification agreement that would require the appraiser
8 to defend and hold harmless the appraisal management
9 company or any of its agents, employees, or independent
10 contractors for any liability, damage, losses, or claims
11 arising out of the services performed by the appraisal
12 management company or its agents, employees, or
13 independent contractors and not the services performed by
14 the appraiser.

15 (9) Prohibiting or attempting to prohibit the
16 appraiser from including or referencing the appraisal fee,
17 the appraisal management company name or identity, or the
18 client's or lender's name or identity within the body of
19 the appraisal report.

20 (10) Requiring ~~Require~~ an appraiser to collect a fee
21 from the borrower or occupant of the property to be
22 appraised.

23 (11) Knowingly withholding any end-user client
24 guidelines, policies, requirements, standards, assignment
25 conditions, and special instructions from an appraiser
26 prior to the acceptance of an appraisal assignment.

1 (b) A person or entity may not structure an appraisal
2 assignment or a contract with an independent appraiser for the
3 purpose of evading the provisions of this Act.

4 (c) No registrant or other person or entity may alter,
5 modify, or otherwise change a completed appraisal report
6 submitted by an independent appraiser, including without
7 limitation, by doing either of the following:

8 (1) permanently or temporarily removing the
9 appraiser's signature or seal; or

10 (2) adding information to, or removing information
11 from, the appraisal report with an intent to change the
12 value conclusion or the condition of the property.

13 (d) No appraisal management company may require an
14 appraiser to provide it with the appraiser's digital signature
15 or seal. However, nothing in this Act shall be deemed to
16 prohibit an appraiser from voluntarily providing the
17 appraiser's ~~his or her~~ digital signature or seal to another
18 person on an assignment-by-assignment basis, in accordance
19 with USPAP.

20 (e) Nothing in this Act shall prohibit an appraisal
21 management company from requesting that an appraiser:

22 (1) consider additional appropriate property
23 information, including the consideration of additional
24 comparable properties to make or support an appraisal;

25 (2) provide further detail, substantiation, or
26 explanation for the appraiser's value conclusion; or

1 (3) correct factual errors in the appraisal report.

2 (Source: P.A. 97-602, eff. 8-26-11.)

3 (225 ILCS 459/50 rep.)

4 Section 55. The Appraisal Management Company Registration
5 Act is amended by repealing Section 50.

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.".