



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2351

Introduced 2/7/2025, by Sen. Michael W. Halpin

#### SYNOPSIS AS INTRODUCED:

225 ILCS 407/5-10  
225 ILCS 407/10-1

Amends the Auction License Act. Adds definitions for "estate sale", "estate sale service", and "online auction". Provides that "Internet auction listing service" does not include an online auction. Adds an online auction, an estate sale, and providing an estate service to events that are unlawful for any person, corporation, limited liability company, partnership, or other entity to conduct in the State of Illinois without a license issued by the Department of Financial and Professional Regulation. Adds online auctions and estate sales with certain conditions to exemptions to the license requirement. Provides that nothing in the Act shall be construed to apply to a sale conducted by an individual of his or her own property if such an individual is not engaged in the business of selling such property or if the individual did not acquire such goods for resale. Provides that nothing in provisions regarding the license requirement shall be construed to apply to any person as a receiver, trustee in bankruptcy, guardian, administrator, or executor or any such person acting under order of any court, nor shall the provisions regarding the license requirement apply to a trustee acting under a trust agreement, deed of trust, or will, or sales at auction conducted by or under the direction of any public authority or pursuant to any judicial order or decree. Effective January 1, 2026.

LRB104 05051 AAS 15079 b

1 AN ACT concerning regulation.

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

4 Section 5. The Auction License Act is amended by changing  
5 Sections 5-10 and 10-1 as follows:

6 (225 ILCS 407/5-10)

7 (Section scheduled to be repealed on January 1, 2030)

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

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

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

17 "Auction" means the sale or lease of property, real or  
18 personal, by means of exchanges between an auctioneer and  
19 prospective purchasers or lessees, ~~which consists of a series~~  
20 ~~of invitations for offers made by the auctioneer and offers by~~  
21 ~~prospective purchasers or lessees~~ for the purpose of obtaining  
22 an acceptable offer for the sale or lease of the property,  
23 including the sale or lease of property via mail,

1 telecommunications, or the Internet.

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

4 "Auction firm" means any corporation, partnership, or  
5 limited liability company that acts as an auctioneer and  
6 provides an auction service.

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

10 "Auction service" means the service of arranging,  
11 managing, advertising, or conducting auctions.

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

22 "Address of record" means the designated address recorded  
23 by the Department in the applicant's or licensee's application  
24 file or license file maintained by the Department.

25 "Buyer premium" means any fee or compensation paid by the  
26 successful purchaser of property sold or leased at or by

1 auction, to the auctioneer, auction firms, seller, lessor, or  
2 other party to the transaction, other than the purchase price.

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

5 "Division" means the Division of Real Estate within the  
6 Department.

7 "Email address of record" means the designated email  
8 address recorded by the Department in the applicant's  
9 application file or the licensee's license file maintained by  
10 the Department's licensure maintenance unit.

11 "Estate sale" means a sale, to which the public is  
12 invited, of physical assets suited primarily for household or  
13 personal use and owned by one or more individuals or families  
14 or by the estate of a deceased individual.

15 "Estate sale service" means entering into and performing  
16 an agreement with the owner or owners of property to be sold at  
17 an estate sale in which an auctioneer undertakes the  
18 responsibility for conducting the sale, including functions  
19 such as advising; advertising; pricing and displaying of  
20 merchandise; selling; receiving and accounting for payments;  
21 and recordkeeping.

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

25 "Interactive computer service" means any information  
26 service, system, or access software provider that provides or

1 enables computer access by multiple users to a computer  
2 server, including specifically a service or system that  
3 provides access to the Internet.

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

13 "Internet auction listing service" does not include an online  
14 auction.

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

16 "Managing auctioneer" means any person licensed as an  
17 auctioneer who manages and supervises licensees.

18 "Online auction" means an auction or auction service  
19 conducted by an auctioneer via a website on the Internet, an  
20 application, an interactive computer service, or other similar  
21 media, where the auctioneer examines, sets the price, or  
22 prepares the description of the personal property or service  
23 offered for sale.

24 "Person" means an individual, association, partnership,  
25 corporation, or limited liability company or the officers,  
26 directors, or employees of the same.

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

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

5 "Secretary" means the Secretary of Financial and  
6 Professional Regulation or his or her designee.

7 (Source: P.A. 100-534, eff. 9-22-17; 101-345, eff. 8-9-19.)

8 (225 ILCS 407/10-1)

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

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

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

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

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

24 (3) an auction, online auction, or estate sale for the  
25 sale or lease of real property conducted by a licensee

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

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

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

10 (6) an auction, online auction, or estate sale  
11 conducted by an agent, officer, or employee of the State  
12 government or any political subdivision thereof performing  
13 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 sale conducted by an individual of his or her own property if  
10 the individual is not engaged in the business of selling such  
11 property or the individual did not acquire such goods for  
12 resale.

13 (f) Nothing in this Section shall be construed to apply to  
14 any person as a receiver, trustee in bankruptcy, guardian,  
15 administrator, or executor or any such person acting under  
16 order of any court, nor shall this Section apply to a trustee  
17 acting under a trust agreement, deed of trust, or will, or  
18 sales at auction conducted by or under the direction of any  
19 public authority or pursuant to any judicial order or decree.

20 (Source: P.A. 100-534, eff. 9-22-17.)

21 Section 99. Effective date. This Act takes effect January  
22 1, 2026.