

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7 (Section scheduled to be repealed on January 1, 2030)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, Internet online, and other means of
15 promotion.

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

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

1 ~~property, including the sale or lease of property~~ via mail,
2 telecommunications, or the Internet online.

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

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

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

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

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

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

26 "Buyer premium" means any fee or compensation paid by the

1 successful purchaser of property sold or leased at or by
2 auction, to the auctioneer, auction firms, seller, lessor, or
3 other party to the transaction, other than the purchase price.

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

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

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

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

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

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

26 "Interactive computer service" means any information

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

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

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

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

17 "Online auction" means an auction or auction service
18 conducted by an auctioneer via a website on the Internet, an
19 application, an interactive computer service, or other similar
20 media.

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

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

26 "Real estate" means real estate as defined in Section 1-10

1 of the Real Estate License Act of 2000 or its successor Acts.

2 "Secretary" means the Secretary of Financial and
3 Professional Regulation or his or her designee.

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

5 (225 ILCS 407/10-1)

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

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

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

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

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

19 (3) an auction for the sale or lease of real property
20 conducted by a licensee under the Real Estate License Act,
21 or its successor Acts, in accordance with the terms of
22 that Act;

23 (4) an auction conducted by a business registered as a
24 market agency under the federal Packers and Stockyards Act
25 (7 U.S.C. 181 et seq.) or under the Livestock Auction

1 Market Law;

2 (5) an auction conducted by an agent, officer, or
3 employee of a federal agency in the conduct of his or her
4 official duties; and

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

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

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

25 (d) Nothing in this Act shall be construed to apply to a
26 person providing an Internet auction listing service as

1 defined in Section 5-10.

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

9 (f) Nothing in this Section shall be construed to apply to
10 any person as a receiver, trustee in bankruptcy, guardian,
11 administrator, or executor; any such person acting under an
12 order of any court, under the direction of any public
13 authority, or pursuant to any judicial decree; or any such
14 person acting pursuant to a trust agreement, deed of trust, or
15 will.

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