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1 AMENDMENT TO SENATE BILL 3498

2 AMENDMENT NO. _____. Amend Senate Bill 3498 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Auction License Act is amended by changing
5 Sections 5-10 and 10-1 and by adding Section 10-21 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7 (Section scheduled to be repealed on January 1, 2030)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

1 Board.

2 "Auction" means the sale or lease of property, real or
3 personal, by means of exchanges between an auctioneer and
4 prospective purchasers or lessees, which consists of a series
5 of invitations or bids for offers made by the auctioneer to
6 prospective purchasers or lessees for the purpose of obtaining
7 an acceptable offer for the sale or lease of property ~~via mail,~~
8 ~~telecommunications, or the Internet online.~~

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

11 "Auction firm" means any corporation, partnership, or
12 limited liability company that acts as an auctioneer and
13 provides an auction service.

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

17 "Auction service" means the service of arranging,
18 managing, advertising, or conducting auctions online or in
19 person.

20 "Auctioneer" means a person or entity who, for another,
21 for a fee, compensation, commission, or any other valuable
22 consideration at auction or with the intention or expectation
23 of receiving valuable consideration by the means of or process
24 of an auction or sale at auction or providing an auction
25 service, offers, negotiates, or attempts to negotiate an
26 auction contract, sale, purchase, or exchange of goods,

1 chattels, merchandise, personal property, real property, or
2 any commodity that may be lawfully kept or offered for sale by
3 or at auction.

4 "Address of record" means the designated address recorded
5 by the Department in the applicant's or licensee's application
6 file or license file maintained by the Department.

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

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

13 "Division" means the Division of Real Estate within the
14 Department.

15 "Email address of record" means the designated email
16 address recorded by the Department in the applicant's
17 application file or the licensee's license file maintained by
18 the Department's licensure maintenance unit.

19 "Estate sale" means a sale for liquidation of personal
20 property of an estate owned by one or more individuals,
21 families, or legal representatives of the estate that is
22 advertised and ~~scheduled for a predetermined amount of time~~
23 ~~and~~ to which the public is invited to participate online or in
24 person in a negotiation or bid for the purchase of ~~the~~ personal
25 property at posted or fixed prices subject to possible
26 negotiation or discount. "Estate sale" does not include the

1 sale of real property.

2 "Estate sale service" means the performance of an estate
3 sale auction service for the owners of personal property to be
4 sold at an estate sale, where a registered person or a licensed
5 an auctioneer assumes undertakes the responsibility of
6 arranging, managing, advertising, or conducting the estate
7 sale in exchange for a fee or compensation. "Estate sale
8 service" does not include the sale of real property.

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

12 "Interactive computer service" means any information
13 service, system, or access software provider that provides or
14 enables computer access by multiple users to a computer
15 server, including specifically a service or system that
16 provides access to the Internet.

17 "Internet auction listing service" means a website on the
18 Internet, or other interactive computer service, that is
19 designed to allow or advertise as a means of allowing users to
20 offer personal property or services for sale or lease to a
21 prospective buyer or lessee through an online bid submission
22 process using that website or interactive computer service and
23 that does not examine, set the price, prepare the description
24 of the personal property or service to be offered, or in any
25 way utilize the services of a natural person as an auctioneer.

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

1 "Managing auctioneer" means any person licensed as an
2 auctioneer who manages and supervises licensees.

3 "Online auction" means an auction or auction service
4 conducted by an auctioneer via a website on the Internet, an
5 application, an interactive computer service, or other similar
6 media.

7 "Person" means an individual, association, partnership,
8 corporation, or limited liability company or the officers,
9 directors, or employees of the same.

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

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

14 "Secretary" means the Secretary of Financial and
15 Professional Regulation or his or her designee.

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

17 (225 ILCS 407/10-1)

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

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

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

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

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

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

10 (4) an auction conducted by a business registered as a
11 market agency under the federal Packers and Stockyards Act
12 (7 U.S.C. 181 et seq.) or under the Livestock Auction
13 Market Law;

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

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

20 (b) Nothing in this Act shall be construed to apply to a
21 new or used vehicle dealer or a vehicle auctioneer licensed by
22 the Secretary of State of Illinois, or to any employee of the
23 licensee, who is a resident of the State of Illinois, while the
24 employee is acting in the regular scope of his or her
25 employment for the licensee while conducting an auction that
26 is not open to the public, provided that only new or used

1 vehicle dealers, rebuilders, automotive parts recyclers, or
2 scrap processors licensed by the Secretary of State or
3 licensed by another state or jurisdiction may buy property at
4 the auction, or to sales by or through the licensee.
5 Out-of-state salvage vehicle buyers licensed in another state
6 or jurisdiction may also buy property at the auction.

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

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

14 (e) Nothing in this Act shall be construed to apply to a
15 third-party reseller of personal property where owners or
16 representatives of an estate have transferred ownership of the
17 property to the reseller to be sold anonymously. A third-party
18 reseller may include, but is not limited to, a retail seller, a
19 consignment seller, or a distributor ~~who does not conduct an~~
20 ~~estate sale.~~

21 (f) Nothing in this Section shall be construed to apply to
22 any person as a receiver, trustee in bankruptcy, guardian,
23 administrator, or executor; any such person acting under an
24 order of any court, under the direction of any public
25 authority, or pursuant to any judicial decree; or any such
26 person acting pursuant to a trust agreement, deed of trust, or

1 will.

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

3 (225 ILCS 407/10-21 new)

4 Sec. 10-21. Estate sale services.

5 (a) On or after the effective date of this amendatory Act
6 of the 104th General Assembly, a person, individual, or entity
7 who conducts estate sales for another and for compensation
8 shall register with the Department as a business that provides
9 estate sale services in Illinois.

10 (b) A business seeking to be registered under this Section
11 shall apply in a format as determined by the Department and
12 submit the same required fee as auctioneers or auction firms,
13 whichever is applicable. The registrant applicant shall also
14 submit any other information as required by the Department.

15 (c) Registrants who conduct estate sales are prohibited
16 from performing auctions or auction services and shall only
17 perform estate sale services. Conversely, auctioneers or
18 auction firms who are licensed under this Act may conduct
19 estate sales without registering with the Department pursuant
20 to this Section.

21 (d) Licensees who, before the effective date of this
22 amendatory Act of the 104th General Assembly, only conduct
23 estate sales and not auctions as part of their business are
24 required to apply and register with the Department but are not
25 required to pay the fee to register.

1 (e) If, after registering as an estate sale business, a
2 registrant seeks to obtain an auctioneer or auction firm
3 license, the registrant shall complete all applicable
4 requirements for licensure under this Act and its rules as if
5 they were a new applicant.

6 (f) Registrants are subject to the same confidentiality,
7 investigation, notice, hearing, disciplinary, and Board
8 proceedings as licensees or unlicensed persons under this Act.
9 Business practice provisions, compliance requirements, and
10 renewal terms of registrants shall be established by rule.

11 (g) The Department may take disciplinary or
12 nondisciplinary action against a registrant for a potential
13 violation under this Act that is attributable to a licensee or
14 unlicensed person as long as it is also applicable to
15 providing an estate sale service or a registrant's business
16 practice. The Department may also investigate and take
17 disciplinary or nondisciplinary action against any person
18 performing estate sale services who is not registered pursuant
19 to this Section.

20 Section 99. Effective date. This Act takes effect upon
21 becoming law."