

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 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 Acts and Articles repealed on January 1, 2027.

8 The following are repealed on January 1, 2027: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.~~

17 ~~The Community Association Manager Licensing and~~  
18 ~~Disciplinary Act.~~

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

20 ~~The Home Inspector License Act.~~

21 The Massage Licensing Act.

22 The Medical Practice Act of 1987.

23 The Petroleum Equipment Contractors Licensing Act.

1 The Radiation Protection Act of 1990.

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

3 ~~The Registered Interior Designers Act.~~

4 ~~The Landscape Architecture Registration Act.~~

5 The Water Well and Pump Installation Contractor's License  
6 Act.

7 The Licensed Certified Professional Midwife Practice Act.

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

12 (5 ILCS 80/4.42)

13 Sec. 4.42. Acts repealed on January 1, 2032. The following  
14 Acts are repealed on January 1, 2032:

15 The Cemetery Oversight Act.

16 The Collateral Recovery Act.

17 The Community Association Manager Licensing and  
18 Disciplinary Act.

19 The Detection of Deception Examiners Act.

20 The Home Inspector License Act.

21 The Landscape Architecture Registration Act.

22 The Real Estate Appraiser Licensing Act of 2002.

23 The Registered Interior Designers Act.

24 (Source: P.A. 103-371, eff. 1-1-24.)

1 Section 10. The Auction License Act is amended by changing  
2 Sections 5-10, 10-1, 10-30, 10-40, 10-45, 15-15, 15-25, 20-15,  
3 20-15.1, 20-16, 20-20, 20-30, 20-35, 20-40, 20-43, 20-55,  
4 20-56, 25-110, and 30-7 as follows:

5 (225 ILCS 407/5-10)

6 (Section scheduled to be repealed on January 1, 2030)

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

8 "Advertisement" means any written, oral, or electronic  
9 communication that contains a promotion, inducement, or offer  
10 to conduct an auction or offer to provide an auction service,  
11 including but not limited to brochures, pamphlets, radio and  
12 television scripts, telephone and direct mail solicitations,  
13 electronic media, Internet online, and other means of  
14 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 or bids for offers made by the auctioneer to  
21 prospective purchasers or lessees for the purpose of obtaining  
22 an acceptable offer for the sale or lease of property. ~~via~~  
23 ~~mail, telecommunications, or the Internet online.~~

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

1 "Auction firm" means any corporation, partnership, or  
2 limited liability company that ~~acts as an auctioneer and~~  
3 provides an auction service.

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

7 "Auction service" means the service of arranging,  
8 managing, advertising, or conducting auctions.

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

19 "Address of record" means the designated address recorded  
20 by the Department in the applicant's or licensee's application  
21 file or license file maintained by the Department.

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

26 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Division" means the Division of Real Estate within the  
3 Department.

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

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

14 "Estate sale service" means the performance of an auction  
15 service for the owners of personal property to be sold at an  
16 estate sale, where an auctioneer undertakes the responsibility  
17 of conducting the sale. "Estate sale service" does not include  
18 the sale of real property.

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

22 "Interactive computer service" means any information  
23 service, system, or access software provider that provides or  
24 enables computer access by multiple users to a computer  
25 server, including specifically a service or system that  
26 provides access to the Internet.

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

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

11 "Managing auctioneer" means any person licensed as an  
12 auctioneer who manages and supervises an auction firm  
13 ~~licensees~~.

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

18 "Person" means an individual, association, partnership,  
19 corporation, ~~or~~ limited liability company, or auction firm ~~or~~  
20 ~~the officers, directors, or employees of the same.~~

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

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

25 "Secretary" means the Secretary of Financial and  
26 Professional Regulation or the Secretary's ~~his or her~~

1 designee.

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

3 (225 ILCS 407/10-1)

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

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

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

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

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

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

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

25 (5) an auction conducted by an agent, officer, or

1 employee of a federal agency in the conduct of the  
2 agent's, officer's, or employee's ~~his or her~~ official  
3 duties; and

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

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

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

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

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

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

15 (g) The licensing of auction firms required under this Act  
16 does not apply to an entity whose ownership structure consists  
17 of one licensed auctioneer operating either (i) a sole  
18 proprietorship, a single member limited liability company, or  
19 a single shareholder corporation, or (ii) a limited liability  
20 company, corporation, or partnership co-owned solely with the  
21 auctioneer's unlicensed spouse. The auctioneer owner or  
22 operator must be the only licensee performing auctions on the  
23 entity's behalf and shall comply with all other provisions of  
24 this Act.

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

1 (225 ILCS 407/10-30)

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

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

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

15 (b) All individual renewal applicants must provide proof  
16 as determined by the Department of having met the continuing  
17 education requirements by the deadline set forth by the  
18 Department by rule. At a minimum, the rules shall require an  
19 applicant for renewal licensure as an auctioneer to provide  
20 proof of the completion of at least 12 hours of continuing  
21 education during the ~~pre-renewal~~ period established by the  
22 Department for completion of continuing education from schools  
23 approved by the Department, as established by rule.

24 (c) (Blank). ~~The Department, in its discretion, may waive~~  
25 ~~enforcement of the continuing education requirements of this~~  
26 ~~Section and shall adopt rules defining the standards and~~

1 ~~criteria for such waiver.~~

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

8 (d) (Blank).

9 (e) The Department shall not issue or renew a license if  
10 the applicant or licensee has an unpaid fine or fee from a  
11 disciplinary matter or from a non-disciplinary action imposed  
12 by the Department until the fine or fee is paid to the  
13 Department or the applicant or licensee has entered into a  
14 payment plan and is current on the required payments.

15 (f) The Department shall not issue or renew a license if  
16 the applicant or licensee has an unpaid fine or civil penalty  
17 imposed by the Department for unlicensed practice until the  
18 fine or civil penalty is paid to the Department or the  
19 applicant or licensee has entered into a payment plan and is  
20 current on the required payments.

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

22 (225 ILCS 407/10-40)

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

24 Sec. 10-40. Expiration, renewal, and restoration  
25 Restoration.

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

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

20           (b) Notwithstanding any other provisions of this Act to  
21 the contrary, any auctioneer ~~licensee~~ whose license under this  
22 Act has expired is eligible to renew or restore such license  
23 without paying any lapsed fees and penalties if the license  
24 expired while the auctioneer ~~licensee~~ was:

25           (1) on active duty with the United States Army, United  
26           States Marine Corps, United States Navy, United States Air

1 Force, United States Coast Guard, the State Militia called  
2 into service or training;

3 (2) engaged in training or education under the  
4 supervision of the United States prior to induction into  
5 military service; or

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

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

16 (c) At any time after the suspension, revocation,  
17 placement on probationary status, or other disciplinary action  
18 taken under this Act with reference to any license, the  
19 Department may restore the license to the licensee without  
20 examination upon the order of the Secretary, if the licensee  
21 submits a properly completed application, pays the appropriate  
22 fees, and otherwise complies with the conditions of the order.

23 (d) An auctioneer who notifies the Department, in a manner  
24 prescribed by the Department, may place a license on inactive  
25 status for a period not to exceed 2 years and shall be excused  
26 from the payment of renewal fees until the auctioneer notifies

1 the Department in writing of the auctioneer's intention to  
2 resume active practice.

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

7 (f) No licensee with a nonrenewed or inactive license  
8 status shall provide auction services as set forth in this  
9 Act.

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

11 (225 ILCS 407/10-45)

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

13 Sec. 10-45. Nonresident auctioneer reciprocity.

14 (a) An individual ~~A person~~ holding a license to engage in  
15 auctions issued to the individual ~~him or her~~ by the proper  
16 authority of a state, territory, or possession of the United  
17 States of America or the District of Columbia that has  
18 licensing requirements equal to or substantially equivalent to  
19 the requirements of this State and that otherwise meets the  
20 requirements of this Act may obtain a license under this Act  
21 without examination if:

22 (1) the Department has entered into a valid reciprocal  
23 agreement with the proper authority of the state,  
24 territory, or possession of the United States of America  
25 or the District of Columbia from which the nonresident

1 applicant has a valid license;

2 (2) the applicant provides the Department with a  
3 certificate of good standing from the applicant's state of  
4 licensure;

5 (3) the applicant completes and submits an application  
6 as provided by the Department; and

7 (4) the applicant pays all applicable fees required  
8 under this Act.

9 (b) A nonresident applicant shall file an irrevocable  
10 consent with the Department that actions may be commenced  
11 against the applicant or nonresident licensee in a court of  
12 competent jurisdiction in this State by the service of  
13 summons, process, or other pleading authorized by the law upon  
14 the Secretary. The consent shall stipulate and agree that  
15 service of the process, summons, or pleading upon the  
16 Secretary shall be taken and held in all courts to be valid and  
17 binding as if actual service had been made upon the applicant  
18 in Illinois. If a summons, process, or other pleading is  
19 served upon the Secretary, it shall be by duplicate copies,  
20 one of which shall be retained by the Department and the other  
21 immediately forwarded by certified or registered mail or email  
22 to the last known business address or email address of record  
23 of the applicant or nonresident licensee against whom the  
24 summons, process, or other pleading may be directed.

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

1 (225 ILCS 407/15-15)

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

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

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

14 (225 ILCS 407/15-25)

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

16 Sec. 15-25. Auction firm. No corporation, limited  
17 liability company, or partnership shall be licensed as an  
18 auction firm without being managed by a licensed auctioneer.  
19 The auction firm and managing auctioneer of the ~~any~~ auction  
20 firm shall be responsible for the actions of all licensed and  
21 unlicensed employees, agents, and representatives of said  
22 auction firm while the firm conducts auctions ~~is conducting an~~  
23 ~~auction~~ or provides ~~providing an~~ auction services service.

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

1 (225 ILCS 407/20-15)

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

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

12 (1) False or fraudulent representation or material  
13 misstatement in furnishing information to the Department  
14 in obtaining or seeking to obtain a license.

15 (2) Violation of any provision of this Act or the  
16 rules adopted under this Act.

17 (3) Conviction of or entry of a plea of guilty or nolo  
18 contendere, as set forth in subsection (c) of Section  
19 10-5, to any crime that is a felony or misdemeanor under  
20 the laws of the United States or any state or territory  
21 thereof, or entry of an administrative sanction by a  
22 governmental ~~government~~ agency in this State or any other  
23 jurisdiction.

24 (3.5) Failing to notify the Department, within 30 days  
25 after the occurrence, of the information required in  
26 subsection (c) of Section 10-5.

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

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

17          (6) Engaging in the practice of auctioneering,  
18          conducting an auction, or providing an auction service  
19          without a license or after the license was expired,  
20          revoked, suspended, or terminated or while the license was  
21          inoperative.

22          (7) Attempting to subvert or cheat on the auctioneer  
23          exam or any continuing education exam, or aiding or  
24          abetting another to do the same.

25          (8) Directly or indirectly giving to or receiving from  
26          a person, firm, corporation, partnership, or association a

1 fee, commission, rebate, or other form of compensation for  
2 professional service not actually or personally rendered,  
3 except that an auctioneer licensed under this Act may  
4 receive a fee from another licensed auctioneer from this  
5 State or jurisdiction for the referring of a client or  
6 prospect for auction services to the licensed auctioneer.

7 (9) Making any substantial misrepresentation or  
8 untruthful advertising.

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

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

14 (12) Any misleading or untruthful advertising, or  
15 using any trade name or insignia of membership in any  
16 auctioneer association or organization of which the  
17 licensee is not a member.

18 (13) Commingling funds of others with the licensee's  
19 own funds or failing to keep the funds of others in an  
20 escrow or trustee account.

21 (14) Failure to account for, remit, or return any  
22 moneys, property, or documents coming into the licensee's  
23 possession that belong to others, acquired through the  
24 practice of auctioneering, conducting an auction, or  
25 providing an auction service within 30 days of the written  
26 request from the owner of said moneys, property, or

1 documents.

2 (15) Failure to maintain and deposit into a special  
3 account, separate and apart from any personal or other  
4 business accounts, all moneys belonging to others  
5 entrusted to a licensee while acting as an auctioneer,  
6 auction firm, or as a temporary custodian of the funds of  
7 others.

8 (16) Failure to make available to Department personnel  
9 during normal business hours all escrow and trustee  
10 records and related documents maintained in connection  
11 with the practice of auctioneering, conducting an auction,  
12 or providing an auction service within 24 hours after a  
13 request from Department personnel.

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

17 (18) Failing to voluntarily furnish copies of all  
18 written instruments or executed documents prepared by the  
19 auctioneer and signed by all parties to all parties at the  
20 time of execution.

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

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

25 (21) (Blank).

26 (22) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,  
2 defraud, or harm the public.

3 (23) Offering or advertising real estate for sale or  
4 lease at auction without a valid broker or managing  
5 broker's license under the Real Estate License Act of  
6 1983, or any successor Act, unless exempt from licensure  
7 under the terms of the Real Estate License Act of 2000, or  
8 any successor Act, except as provided in Section 5-32 of  
9 the Real Estate License Act of 2000.

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

13 (25) A pattern of practice or other behavior that  
14 demonstrates incapacity or incompetence to practice under  
15 this Act.

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

23 (27) Inability to practice with reasonable judgment,  
24 skill, or safety as a result of habitual or excessive use  
25 or addiction to alcohol, narcotics, stimulants, or any  
26 other chemical agent or drug, which may result in

1           significant harm to the public.

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

5           (29) Violating the terms of any order issued by the  
6           Department.

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

8           (225 ILCS 407/20-15.1)

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

10          Sec. 20-15.1. Citations.

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

23          (b) Service of a citation shall be made in person,  
24          electronically, or by mail to the licensee at the licensee's  
25          address of record or email address of record, and must clearly

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

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

25 (d) Nothing in this Section shall prohibit or limit the  
26 Department from taking further action pursuant to this Act and

1 rules for additional, repeated, or continuing violations.

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

3 (225 ILCS 407/20-16)

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

5 Sec. 20-16. Illegal discrimination.

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

19 (b) When there has been an order in an administrative  
20 proceeding finding that a licensee has illegally discriminated  
21 while engaged in any activity for which a license is required  
22 under this Act, the Department, following the provision of  
23 notice to the licensee and a hearing conducted in accordance  
24 with Section 20-43 and upon recommendation of the Board as to  
25 the nature and extent of the discipline, shall take one or more

1 of the disciplinary actions provided for in this Act ~~Section~~  
2 ~~20-15~~ in a timely manner, unless the administrative order is  
3 in the appeal process. The finding of the administrative order  
4 is a matter of record and the merits of the administrative  
5 order shall not be challenged in a request for a hearing by the  
6 licensee.

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

8 (225 ILCS 407/20-20)

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

10 Sec. 20-20. Suspension ~~Termination~~ without hearing for  
11 failure to pay taxes, ~~or~~ child support, or workers'  
12 compensation obligations. The Department may suspend ~~terminate~~  
13 or otherwise deny ~~discipline~~ any license issued under this Act  
14 without hearing if the following ~~appropriate~~ administering  
15 agency provides adequate information and proof that the  
16 licensee has:

17 (1) failed to file a return, to pay the tax, penalty,  
18 or interest shown in a filed return, or to pay any final  
19 assessment of tax, penalty, or interest, as required by  
20 any tax act administered by the Illinois Department of  
21 Revenue until the requirements of the tax Act ~~act~~ are  
22 satisfied;

23 (2) failed to pay any court ordered child support as  
24 determined by a court order or by referral from the  
25 Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid); ~~or~~

2 (3) (blank); or.

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

7 If a license is suspended ~~terminated~~ or otherwise denied  
8 ~~disciplined~~ pursuant to this Section, the licensee may request  
9 a hearing conducted pursuant to the Civil Administrative Code  
10 of Illinois ~~as provided by this Act within 30 days of notice of~~  
11 ~~termination or discipline.~~ The Department may issue a license  
12 or lift the suspension of a license if satisfactory repayment  
13 or obligation is determined by the respective State agency.

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

15 (225 ILCS 407/20-30)

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

17 Sec. 20-30. Consent orders. Notwithstanding any provisions  
18 concerning the conduct of hearings and recommendations for  
19 disciplinary actions, the Department has the authority to  
20 negotiate agreements with licensees and applicants resulting  
21 in disciplinary consent orders. The consent orders may provide  
22 for any form of discipline provided for in this Act. The  
23 consent orders shall provide that they were not entered into  
24 as a result of any coercion by the Department. Any consent  
25 order shall be accepted by or rejected by the Secretary or

1 designee in a timely manner.

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

3 (225 ILCS 407/20-35)

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

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

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

16 (b) Any circuit court may, upon application of the  
17 Department or its designee or of the applicant, licensee, or  
18 person holding a certificate of licensure against whom  
19 proceedings under this Act are pending, enter an order  
20 compelling the enforcement of any Department subpoena issued  
21 in connection with any hearing or investigation.

22 (c) The Secretary or the Secretary's ~~his or her~~ designee  
23 or the Board shall have power to administer oaths to witnesses  
24 at any hearing that the Department is authorized to conduct  
25 and any other oaths authorized in any Act administered by the

1 Department.

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

3 (225 ILCS 407/20-40)

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

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

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

11 (b) The Department, at its expense, shall preserve a  
12 record of all proceedings at the formal hearing of any case.  
13 The notice of hearing, complaint, all other documents in the  
14 nature of pleadings, written motions filed in the proceedings,  
15 the transcripts of testimony, the report of the Board, and  
16 orders of the Department shall be in the record of the  
17 proceeding. The Department shall furnish a transcript of such  
18 record to any person interested in such hearing upon payment  
19 of the fee required under Section 2105-115 of the Department  
20 of Professional Regulation Law of the Civil Administrative  
21 Code of Illinois ~~(20 ILCS 2105/2105-115)~~.

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

23 (225 ILCS 407/20-43)

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

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

19           At the time and place of the hearing fixed in the notice,  
20 the Department Board shall proceed to hear the charges, and  
21 the person or person's counsel shall be accorded ample  
22 opportunity to present any pertinent statements, testimony,  
23 evidence, and arguments in the person's defense. The  
24 Department Board may continue the hearing when it deems it  
25 appropriate. If the person, after receiving the notice, fails  
26 to file an answer, the license may, in the discretion of the

1 Department, be revoked, suspended, placed on probationary  
2 status, or the Department may take whatever disciplinary  
3 actions considered proper, including limiting the scope,  
4 nature, or extent of the person's practice or the imposition  
5 of a fine, without a hearing, if the act or acts charged  
6 constitute sufficient grounds for that action under the Act.

7 Notice of the hearing may be served by certified mail, or,  
8 at the discretion of the Department, by an electronic means to  
9 the person's most recent ~~last known~~ address or email address  
10 of record provided to the Department or, if in the course of  
11 the administrative proceeding the party has previously  
12 designated a specific email address at which to accept  
13 electronic service for that specific proceeding, by sending a  
14 copy by email to the party's email address on record.

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

16 (225 ILCS 407/20-55)

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

18 Sec. 20-55. Appointment of a hearing officer. The  
19 Secretary has the authority to appoint any attorney licensed  
20 to practice law in the State of Illinois to serve as the  
21 hearing officer in any action for refusal to issue, restore,  
22 or renew a license or to discipline a licensee. The hearing  
23 officer has full authority to conduct the hearing. Any Board  
24 member may attend hearings. The hearing officer shall report  
25 his or her findings of fact, conclusions of law, and

1 recommendations to the Board. The Board shall have 90 days  
2 after the date of receipt of ~~review~~ the report of the hearing  
3 officer to ~~and~~ present its findings of fact, conclusions of  
4 law, and recommendations to the Secretary and to all parties  
5 to the proceedings.

6 If the Secretary disagrees with the recommendations of the  
7 Board or hearing officer, the Secretary may issue an order in  
8 contravention of the ~~Board's~~ recommendations.

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

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

21 (225 ILCS 407/20-56)

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

23 Sec. 20-56. Board; rehearing. At the conclusion of the  
24 hearing, a copy of the Board's report shall be served upon the  
25 applicant, licensee, or unlicensed person by the Department,

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

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

16 (225 ILCS 407/25-110)

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

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

19 (a) Only an auction school licensed by the Department may  
20 provide the continuing education courses required for  
21 licensure under this Act.

22 (b) An auction school may also provide the course required  
23 to obtain the real estate auction certification in Section  
24 5-32 of the Real Estate License Act of 2000. The course shall  
25 be approved by the Department upon the recommendation of the

1 Real Estate Administration and Disciplinary Board pursuant to  
2 Section 25-10 of the Real Estate License Act of 2000.

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

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

8 (2) a sufficient number of qualified instructors;

9 (3) adequate support personnel to assist with  
10 administrative matters and technical assistance;

11 (4) a qualified school administrator, who is  
12 responsible for the administration of the school, courses,  
13 and the actions of the instructors;

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

16 (6) any other requirements provided by rule.

17 (d) All applicants for an auction school ~~schools~~ license  
18 shall make an initial application to the Department in a  
19 manner prescribed by the Department and pay the appropriate  
20 fee as provided by rule. In addition to any other information  
21 required to be contained in the application as prescribed by  
22 rule, every application for an original or renewed license  
23 shall include the applicant's Taxpayer Identification Number.  
24 The term, expiration date, and renewal of an auction school  
25 ~~schools~~ license shall be established by rule.

26 (e) An auction school shall provide each successful course

1 participant with a certificate of completion signed by the  
2 school administrator. The format and content of the  
3 certificate shall be specified by rule.

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

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

8 (225 ILCS 407/30-7)

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

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

11 (a) The Department shall exercise the powers and duties  
12 prescribed by the Civil Administrative Code of Illinois for  
13 the administration of licensing acts and shall exercise such  
14 other powers and duties as are prescribed by this Act. The  
15 Department may contract with third parties for services  
16 necessary for the proper administration of this Act.

17 (b) The Department shall have the authority to audit or  
18 inspect any electronic or physical record, account, document,  
19 book, form, or file required to be created or maintained by  
20 this Act. The Department may adopt rules and establish  
21 necessary requirements for the implementation of this  
22 subsection (b).

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

24 (225 ILCS 407/20-85 rep.)

1           Section 15. The Auction License Act is amended by  
2           repealing Section 20-85.

3           Section 20. The Registered Interior Designers Act is  
4           amended by changing Sections 3, 4, 4.5, 6, 7, 8, 9, 10, 11, 12,  
5           14, 15, 18, 19, 27, and 30 as follows:

6           (225 ILCS 310/3) (from Ch. 111, par. 8203)

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

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

9           "Accredited institution" means an institution accredited  
10          by the Council for Interior Design Accreditation, an  
11          accreditation body recognized by the United States Department  
12          of Education, or a curriculum or transcript approved by the  
13          Board per a registration applicant's application.

14          "Address of record" means the designated address recorded  
15          by the Department in the applicant's application file or the  
16          registrant's registration file as maintained by the  
17          Department's licensure maintenance unit.

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

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 as

1 maintained by the Department's licensure maintenance unit.

2 "Interior technical submissions" means the designs,  
3 drawings, and specifications that establish the scope of the  
4 interior design to be constructed, the standard of quality for  
5 materials, workmanship, equipment, and construction systems,  
6 and the studies and other technical reports and calculations  
7 prepared in the course of the practice of registered interior  
8 design.

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

20 (1) The practice of structural engineering as defined  
21 in the Structural Engineering Practice Act of 1989, the  
22 practice of professional engineering as defined in the  
23 Professional Engineering Practice Act of 1989, or the  
24 practice of land surveying as defined in the Illinois  
25 Professional Land Surveyor Act of 1989.

26 (2) Services that constitute the practice of

1 architecture as defined in the Illinois Architecture  
2 Practice Act of 1989, except as provided in this Act.

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

6 (4) Changes to the building envelope, including  
7 exterior walls, exterior wall coverings, exterior wall  
8 openings, exterior windows and doors, architectural trim,  
9 balconies and similar projections, bay and oriel windows,  
10 roof assemblies and rooftop structures, and glass and  
11 glazing for exterior use in both vertical and sloped  
12 applications in buildings and structures.

13 (5) Altering or affecting the mechanical, plumbing,  
14 heating, air conditioning, ventilation, electrical,  
15 vertical transportation, fire sprinkler, or fire alarm  
16 systems.

17 (6) Changes beyond the exit access component of a  
18 means of egress system.

19 (7) Construction that materially affects life safety  
20 systems pertaining to fire safety or the fire protection  
21 of structural elements, or alterations to smoke evacuation  
22 and compartmentalization systems or to fire-rated vertical  
23 shafts in multistory structures.

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

26 (9) Changes to the construction classification of the

1 building or structure according to the International  
2 Building Code.

3 "Public member" means a person who is not a registered  
4 interior designer, educator in the field, architect,  
5 structural engineer, ~~or~~ professional engineer. ~~For purposes of~~  
6 ~~board membership, any, or a person who does not have any with a~~  
7 ~~significant~~ financial interest in ~~the~~ design or construction  
8 services service or the design or construction professions  
9 ~~profession is not a public member.~~

10 "Registered interior designer" means a person who has  
11 received registration under Section 8 of this Act. A person  
12 represents oneself ~~himself or herself~~ to be a "registered  
13 interior designer" within the meaning of this Act by holding  
14 oneself ~~if he or she holds himself or herself~~ out to the public  
15 by any title incorporating the words "registered interior  
16 designer" or any title that includes the words "registered  
17 interior design".

18 "Responsible control" means the amount of control over  
19 detailed professional knowledge of the content of interior  
20 technical submissions during the preparation as is ordinarily  
21 exercised by registered interior designers applying the  
22 required professional standard of care. Merely reviewing or  
23 reviewing and correcting an interior technical submission or  
24 any portion thereof prepared by those not in the regular  
25 employment of the office where the registered interior  
26 designer is a resident without control over the content of

1 such work throughout its preparation does not constitute  
2 responsible control.

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

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

7 (225 ILCS 310/4) (from Ch. 111, par. 8204)

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

9 Sec. 4. Title; application of Act.

10 (a) No individual shall, without a valid registration as a  
11 registered interior designer issued by the Department, in any  
12 manner hold oneself ~~himself or herself~~ out to the public as a  
13 registered interior designer or attach the title "registered  
14 interior designer" or any other name or designation which  
15 would in any way imply that the person ~~he or she~~ is able to use  
16 the title "registered interior designer" as defined in this  
17 Act.

18 (a-5) Nothing in this Act shall be construed as preventing  
19 or restricting the services offered or advertised by an  
20 interior designer who is registered under this Act.

21 (b) Nothing in this Act shall prevent the employment, by a  
22 registered interior designer association, partnership, or a  
23 corporation furnishing interior design services for  
24 remuneration, of persons not registered as interior designers  
25 to perform services in various capacities as needed, provided

1 that the persons do not represent themselves as, or use the  
2 title of, "registered interior designer".

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

13 (d) Nothing contained in this Act shall restrict any  
14 person not registered under this Act from carrying out any of  
15 the activities listed in the definition of "practice of  
16 registered interior design" ~~"the profession of interior~~  
17 ~~design"~~ in Section 3 if such person does not represent oneself  
18 ~~himself or herself~~ or the person's ~~his or her~~ services in any  
19 manner prohibited by this Act.

20 (e) Nothing in this Act shall be construed as preventing  
21 or restricting the practice, services, or activities of any  
22 person licensed in this State under any other law from  
23 engaging in the profession or occupation for which that person  
24 ~~he or she~~ is licensed.

25 (f) Nothing in this Act shall be construed as preventing  
26 or restricting the practice, services, or activities of

1 engineers licensed under the Professional Engineering Practice  
2 Act of 1989 or the Structural Engineering Practice Act of  
3 1989; architects licensed pursuant to the Illinois  
4 Architectural Practice Act of 1989; any interior decorator or  
5 individual offering interior decorating services including,  
6 but not limited to, the selection of surface materials, window  
7 treatments, wall coverings, furniture, accessories, paint,  
8 floor coverings, and lighting fixtures; or builders, home  
9 furnishings salespersons, and similar purveyors of related  
10 goods and services ~~relating to homemaking~~.

11 (g) Nothing in this Act or any other Act shall prevent a  
12 licensed architect from practicing interior design services.  
13 Nothing in this Act shall be construed as requiring the  
14 services of a registered interior designer for the interior  
15 designing of a single family residence.

16 (h) Nothing in this Act shall authorize registered  
17 interior designers to perform services, including life safety  
18 services that they are prohibited from performing, or any  
19 practice: (i) that is restricted in the Professional  
20 Engineering Practice Act of 1989, the Professional Land  
21 Surveyor Act of 1989, or ~~of~~ the Structural Engineering  
22 Practice Act of 1989; (ii) that is restricted in the Illinois  
23 Architecture Practice Act of 1989, except as provided in this  
24 Act; or (iii) that they are not authorized to perform under the  
25 Environmental Barriers Act, except as provided in this Act.

26 (i) Nothing in this Act shall authorize registered

1 interior designers to advertise services that they are  
2 prohibited to perform, including architecture or engineering  
3 services, nor to use the title "architect" in any form.

4 (j) Nothing in this Act shall be construed as preventing  
5 or restricting persons from engaging in professional services  
6 limited to the design of kitchen and bath spaces or the  
7 specification of products for kitchen and bath areas in  
8 noncommercial settings.

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

10 (225 ILCS 310/4.5)

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

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

13 (a) Any person who holds oneself ~~himself or herself~~ out to  
14 be a registered interior designer without being registered  
15 under this Act shall, in addition to any other penalty  
16 provided by law, pay a civil penalty to the Department in an  
17 amount not to exceed \$5,000 for each offense as determined by  
18 the Department. The civil penalty shall be assessed by the  
19 Department after a hearing is held in accordance with the  
20 provisions set forth in this Act regarding the provision of a  
21 hearing for the discipline of a registrant.

22 (b) The Department has the authority and power to  
23 investigate any illegal use of the title of registered  
24 interior designer.

25 (c) The civil penalty shall be paid within 60 days after

1 the effective date of the order imposing the civil penalty.  
2 The order shall constitute a judgment and may be filed and  
3 execution had thereon in the same manner as any judgment from  
4 any court of record.

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

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

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

8 Sec. 6. Board of Registered Interior Design Professionals.

9 The Secretary shall appoint a Board of Registered Interior  
10 Design Professionals consisting of 5 members who shall serve  
11 in an advisory capacity to the Secretary. All members of the  
12 Board shall be residents of Illinois. Four members shall (i)  
13 hold a valid registration as an interior designer in Illinois  
14 and have held the registration under this Act for the  
15 preceding 10 years; and (ii) not have been disciplined within  
16 the preceding 10 years under this Act. In addition to the 4  
17 registered interior designer members, there shall be one  
18 public member. The public member shall be a voting member and  
19 shall not be licensed or registered under this Act or any other  
20 design profession licensing Act that the Department  
21 administers.

22 Board members shall serve 5-year terms and until their  
23 successors are appointed and qualified. In appointing members  
24 to the Board, the Secretary shall give due consideration to  
25 recommendations by members and organizations of the interior

1 design profession.

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

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

7 Appointments to fill vacancies shall be made in the same  
8 manner as original appointments for the unexpired portion of  
9 the vacated term.

10 Three members of the Board shall constitute a quorum. A  
11 quorum is required for Board decisions.

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

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

18 ~~Notice of proposed rulemaking may be transmitted to the~~  
19 ~~Board and the Department may review the response of the Board~~  
20 ~~and any recommendations made therein. The Department may, at~~  
21 ~~any time, seek the expert advice and knowledge of the Board on~~  
22 ~~any matter relating to the administration or enforcement of~~  
23 ~~this Act.~~

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

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

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

4 (225 ILCS 310/7) (from Ch. 111, par. 8207)

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

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

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

18 (225 ILCS 310/8) (from Ch. 111, par. 8208)

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

20 Sec. 8. Application requirements for registration.

21 (a) Each applicant for registration shall apply to the  
22 Department in writing on a form or electronically as provided  
23 by the Department. The Department may require an applicant, at  
24 the applicant's expense, to have an evaluation of the

1 applicant's education in a foreign country by a nationally  
2 recognized evaluation service approved by the Department in  
3 accordance with the rules adopted by the Department. Except as  
4 otherwise provided in this Act, each applicant shall take and  
5 pass the examination approved by the Department. Prior to  
6 registration, the applicant shall provide substantial evidence  
7 to the Board that the applicant has completed the education  
8 and work experience requirements to sit for the NCIDQ  
9 examination administered by the Council for Interior Design  
10 Qualification, has successfully passed the NCIDQ examination  
11 ~~exam~~, has maintained an active NCIDQ certification, and:

12 (1) is a graduate of a 5-year interior design or  
13 architecture program from an accredited institution and  
14 has completed at least 2 years of full-time diversified  
15 interior design experience;

16 (2) is a graduate of a 4-year interior design or  
17 architecture program from an accredited institution and  
18 has completed at least 2 years of full-time diversified  
19 interior design experience;

20 (3) has completed at least 3 years of interior design  
21 or architecture curriculum from an accredited institution  
22 and has completed 3 years of full-time diversified  
23 interior design experience; or

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

1 design experience.

2 (b) (Blank). ~~In addition to providing evidence of meeting~~  
3 ~~the requirements of subsection (a), each applicant for~~  
4 ~~registration as a registered interior designer shall provide~~  
5 ~~substantial evidence that the applicant has successfully~~  
6 ~~completed the examination administered by the Council for~~  
7 ~~Interior Design Qualification.~~

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

11 (b-10) Each applicant for renewal or reinstatement of  
12 registration under this Act shall have completed continuing  
13 education as set forth by the Department by rule. The  
14 Department shall consider the recommendations of the Board in  
15 establishing requirements for continuing education  
16 requirements but shall be no less than 10 hours of continuing  
17 education in the areas of health, safety, and welfare every 2  
18 years.

19 (c) Applicants have 3 years from the date of application  
20 to complete the application process. If the process has not  
21 been completed in 3 years, the application shall expire, the  
22 fee shall be forfeited, and the applicant must reapply and  
23 meet the requirements in effect at the time of reapplication.  
24 ~~An individual may apply for original registration prior to~~  
25 ~~passing the examination. The individual shall have 3 years~~  
26 ~~after the date of filing an application to pass the~~

1 ~~examination. If evidence and documentation of passing the~~  
2 ~~examination are received by the Department later than 3 years~~  
3 ~~after the individual's filing, the application shall be denied~~  
4 ~~and the fee forfeited. The applicant may reapply at any time,~~  
5 ~~but shall meet the requirements in effect at the time of~~  
6 ~~reapplication.~~

7 (d) Upon payment of the required fee, which shall be  
8 determined by rule, an applicant who is an architect licensed  
9 under the laws of this State may, without examination, be  
10 granted registration as a registered interior designer by the  
11 Department provided the applicant submits proof of an active  
12 architectural license in Illinois.

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

14 (225 ILCS 310/9) (from Ch. 111, par. 8209)

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

16 Sec. 9. Expiration; renewal; restoration.

17 (a) The expiration date and renewal period for each  
18 certificate of registration issued under this Act shall be set  
19 by rule. A registrant may renew such registration during the  
20 month preceding its expiration date by paying the required  
21 renewal fee.

22 (b) Inactive status.

23 (1) Any registrant who notifies the Department in  
24 writing on forms prescribed by the Department may elect to  
25 place that person's ~~his or her~~ certificate of registration

1 on an inactive status and shall, subject to rules of the  
2 Department, be excused from payment of renewal fees until  
3 that person ~~he or she~~ notifies the Department in writing  
4 of that person's ~~his or her~~ desire to resume active  
5 status.

6 (2) Any registrant requesting restoration from  
7 inactive status shall be required to pay the current  
8 renewal fee and shall be required to restore the ~~his or her~~  
9 registration.

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

13 (4) Any registrant who uses the title "registered  
14 interior designer" while the registrant's ~~his or her~~  
15 certificate of registration is lapsed or inactive shall be  
16 considered to be using the title without a registration  
17 which shall be grounds for discipline under Section 13 of  
18 this Act.

19 (c) Any registrant whose registration has expired may have  
20 the registrant's ~~his or her~~ certificate of registration  
21 restored at any time within 5 years after its expiration, upon  
22 making application to the Department and payment of the  
23 required fee.

24 (d) Any registrant ~~person~~ whose registration has been  
25 expired for more than 5 years may have the registrant's ~~his or~~  
26 ~~her~~ registration restored by making application to the

1 Department and submitting ~~filing~~ proof acceptable to the  
2 Department of the registrant's ~~his or her~~ fitness to have the  
3 registrant's ~~his or her~~ registration restored, including, but  
4 not limited to, sworn evidence certifying to active practice  
5 in another jurisdiction satisfactory to the Department and  
6 proof of completion of applicable continuing education,  
7 ~~including sworn evidence certifying to active lawful practice~~  
8 ~~in another jurisdiction,~~ and by paying the required  
9 restoration fee. A person using the title "registered interior  
10 designer" on an expired registration is deemed to be in  
11 violation of this Act.

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

20 (f) Any person whose certificate of registration has  
21 expired while that person ~~he or she~~ has been engaged (1) in  
22 federal or State service active duty, or (2) in training or  
23 education under the supervision of the United States  
24 preliminary to induction into the military service, may have  
25 that person's ~~his or her~~ registration restored without paying  
26 any lapsed renewal or restoration fee if, within 2 years after

1 termination of such service, training or education, that  
2 person ~~he or she~~ furnishes the Department with satisfactory  
3 proof that the person ~~he or she~~ has been so engaged and that  
4 the person's ~~his or her~~ service, training, or education has  
5 been so terminated.

6 (g) An individual applying for restoration of a  
7 registration shall have 3 years from the date of application  
8 to complete the application process. If the process has not  
9 been completed in 3 years, the application shall expire ~~be~~  
10 ~~denied~~ and the fee forfeited. The applicant may reapply at any  
11 time.

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

13 (225 ILCS 310/10) (from Ch. 111, par. 8210)

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

15 Sec. 10. Endorsement.

16 (a) Upon payment of the required fee and the filing of an  
17 application in writing on a form or electronically as provided  
18 by the Department, an applicant who is an interior designer  
19 currently registered, certified, or licensed under the laws of  
20 another state or territory of the United States or a foreign  
21 country or province shall, without further examination, be  
22 granted registration as an interior designer by the Department  
23 whenever the requirements of such state or territory of the  
24 United States or a foreign country or province were, at the  
25 date of registration, certification, or licensure,

1 substantially equal to or greater than the requirements then  
2 in force in this State. The Department may adopt rules  
3 governing recognition of education and legal practice of the  
4 profession in another jurisdiction, requiring additional  
5 education, and determining when an examination may be  
6 required.

7 (b) If the accuracy of any submitted documentation or  
8 relevance or sufficiency of the coursework or experience is  
9 questioned by the Department or the Board because of a lack of  
10 information, discrepancies, or conflicts in information given,  
11 or a need for clarification, the applicant seeking  
12 registration may be required to provide additional  
13 information.

14 (c) Applicants have 3 years from the date of application  
15 to complete the application process. If the process has not  
16 been completed within the 3 years, then the application shall  
17 expire ~~be denied~~, the fee shall be forfeited, and the  
18 applicant must reapply and meet the requirements in effect at  
19 the time of reapplication.

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

21 (225 ILCS 310/11) (from Ch. 111, par. 8211)

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

23 Sec. 11. Fees. The Department shall provide by rule for a  
24 schedule of fees for the administration and enforcement of  
25 this Act, including but not limited to original registration,

1 renewal, and restoration. The fees shall be nonrefundable.

2 ~~All fees collected under this Act shall be deposited into~~  
3 ~~the General Professions Dedicated Fund and shall be~~  
4 ~~appropriated to the Department for the ordinary and contingent~~  
5 ~~expenses of the Department in the administration of this Act.~~

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

7 (225 ILCS 310/12) (from Ch. 111, par. 8212)

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

9 Sec. 12. Returned checks; penalties. Any person who  
10 delivers a check or other payment to the Department that is  
11 returned to the Department unpaid by the financial institution  
12 upon which it is drawn shall pay to the Department, in addition  
13 to the amount already owed to the Department, a fine of \$50.  
14 The fines imposed by this Section are in addition to any other  
15 discipline provided under this Act for prohibited use of a  
16 title without a registration or on a nonrenewed registration.  
17 The Department shall notify the person that payment of fees  
18 and fines shall be paid to the Department by certified check or  
19 money order within 30 calendar days of the notification. If,  
20 after the expiration of 30 days from the date of the  
21 notification, the person has failed to submit the necessary  
22 remittance, the Department shall automatically terminate the  
23 registration or deny the application, without hearing. If,  
24 after termination or denial, the person seeks registration,  
25 the person ~~he or she~~ shall apply to the Department for

1 restoration or issuance of the registration and pay all fees  
2 and fines due to the Department. The Department may establish  
3 a fee for the processing of an application for restoration of a  
4 certificate of registration to pay all expenses of processing  
5 this application. The Director may waive the fines due under  
6 this Section in individual cases where the Director finds that  
7 the fines would be unreasonable or unnecessarily burdensome.

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

9 (225 ILCS 310/14) (from Ch. 111, par. 8214)

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

11 Sec. 14. Investigations; Notice of hearing. Upon the  
12 motion of either the Department or the Board, or upon the  
13 verified complaint in writing of any person setting forth  
14 facts which, if proven, would constitute grounds for refusal,  
15 suspension, or revocation of registration under this Act, the  
16 Board shall investigate the actions of any person, hereinafter  
17 called the "registrant", who holds or represents that the  
18 person ~~he~~ holds a certificate of registration. All such  
19 motions or complaints shall be brought to the Board.

20 The Director shall, before suspending, revoking, placing  
21 on probationary status, or taking any other disciplinary  
22 action as the Director may deem proper with regard to any  
23 registration, at least 30 days prior to the date set for the  
24 hearing, notify the registrant in writing of any charges made  
25 and the time and place for a hearing on the charges before the

1 Board. The Board shall also direct the registrant to file a ~~his~~  
2 written answer to the charges with the Board under oath within  
3 20 days after the service on the registrant ~~him~~ of such notice,  
4 and inform the registrant ~~him~~ that if the registrant ~~he~~ fails  
5 to file such answer, the registrant's ~~his~~ certificate of  
6 registration may be suspended, revoked, placed on probationary  
7 status or other disciplinary action may be taken with regard  
8 thereto, as the Director may deem proper.

9 The written notice and any notice in such proceeding may  
10 be served by delivery personally to the registrant, by email,  
11 or by ~~registered or certified~~ mail to the address specified by  
12 the registrant in the registrant's ~~his~~ last notification to  
13 the Director.

14 The Department, at its expense, shall preserve a record of  
15 all proceedings at the formal hearing of any case involving  
16 the refusal to issue or renew a registration, or discipline of  
17 a registrant. The notice of hearing, complaint, and all other  
18 documents in the nature of pleadings and written motions filed  
19 in the proceedings, the transcript of testimony, the report of  
20 the Board, and the orders of the Department shall be the record  
21 of such proceedings.

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

23 (225 ILCS 310/15) (from Ch. 111, par. 8215)

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

25 Sec. 15. Disciplinary actions.

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

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

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

21 (225 ILCS 310/18) (from Ch. 111, par. 8218)

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

23 Sec. 18. Recommendations for disciplinary action; Action  
24 by Director. The Board may advise the Director that probation  
25 be granted or that other disciplinary action, including the

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

12 The Board shall present to the Director a written report  
13 of its findings and recommendations. A copy of the report  
14 shall be served upon the registrant, by email, ~~either~~  
15 personally, or by ~~registered or certified~~ mail. Within 20 days  
16 after such service, the registrant may present to the  
17 Department the registrant's ~~his~~ motion in writing for a  
18 rehearing, specifying the particular grounds for rehearing. If  
19 the registrant orders and pays for a transcript of the record,  
20 the time elapsing until the transcript is ready for delivery  
21 to the registrant ~~him~~ shall not be counted as part of such 20  
22 days.

23 At the expiration of the time allowed for filing a motion  
24 for rehearing, the Director may take the action recommended by  
25 the Board. Upon suspension, revocation, placement on  
26 probationary status, or the taking of any other disciplinary

1 action, including the limiting of the use of the title, deemed  
2 proper by the Director with regard to the registration, the  
3 registrant shall surrender the ~~his~~ certificate of registration  
4 to the Department if ordered to do so by the Department. Upon  
5 the registrant's ~~his~~ failure or refusal to do so, the  
6 Department may seize the certificate of registration.

7 In all instances in which the Board has rendered a  
8 recommendation to the Director with respect to a particular  
9 person, the Director shall, to the extent that the Director ~~he~~  
10 disagrees with or takes action contrary to the recommendation  
11 of the Board, file with the Board his specific written reasons  
12 of disagreement. Such reasons shall be filed within 30 days  
13 after the Director has taken the contrary position.

14 Each order of revocation, suspension, or other  
15 disciplinary action shall contain a brief and concise  
16 statement of the ground or grounds upon which the Department's  
17 action is based, as well as the specific terms and conditions  
18 of such action.

19 Whenever the Director is satisfied that substantial  
20 justice has not been done either in an examination or in the  
21 revocation, suspension, or refusal to issue a certificate of  
22 registration, or other disciplinary action, the Director may  
23 order a re-examination or rehearing.

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

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

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

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

18 (225 ILCS 310/27) (from Ch. 111, par. 8227)

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

20 Sec. 27. Filing registration or diploma of another. Any  
21 person filing, or attempting to file, as the person's ~~his~~ own  
22 the diploma or registration of another, or a forged affidavit  
23 of identification or qualification, is guilty of a Class 3  
24 felony, and upon conviction is subject to such fine and  
25 imprisonment as is made and provided by the statutes of this

1 State for the crime of forgery.

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

3 (225 ILCS 310/30) (from Ch. 111, par. 8230)

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

5 Sec. 30. Fund; appropriations; investments; audits. All of  
6 the fees collected pursuant to this Act shall be deposited  
7 into the Design Professionals Administration and Investigation  
8 ~~General Professions Dedicated~~ Fund.

9 The moneys deposited into ~~in~~ the Design Professionals  
10 Administration and Investigation ~~General Professions Dedicated~~  
11 Fund may be used for the expenses of the Department in the  
12 administration of this Act.

13 ~~Moneys from the Fund may also be used for direct and~~  
14 ~~allocable indirect costs related to the public purposes of the~~  
15 ~~Department of Professional Regulation. Moneys in the Fund may~~  
16 ~~be transferred to the Professions Indirect Cost Fund as~~  
17 ~~authorized by Section 2105 300 of the Department of~~  
18 ~~Professional Regulation Law.~~

19 Upon the completion of any audit of the Department as  
20 prescribed by the Illinois State Auditing Act that includes an  
21 audit of the Design Professionals Administration and  
22 Investigation ~~General Professions Dedicated~~ Fund, the  
23 Department shall make the audit open to inspection by any  
24 interested person. The copy of the audit report required to be  
25 submitted to the Department by this Section is in addition to

1 copies of audit reports required to be submitted to other  
2 State officers and agencies by Section 3-14 of the Illinois  
3 State Auditing Act.

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

5 Section 25. The Landscape Architecture Registration Act is  
6 amended by changing Sections 10, 20, 23, 25, 30, 33, 34, 48,  
7 50, 55, 60, 70, 80, 85, 95, and 110 as follows:

8 (225 ILCS 316/10)

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

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

13 "Address of record" means the designated address recorded  
14 by the Department in the applicant's application file or  
15 registrant's registration file as maintained by the  
16 Department.

17 "Board" means the Registered Landscape Architecture  
18 Registration Board.

19 "Department" means the Department of Financial and  
20 Professional Regulation.

21 "Email address of record" means the designated email  
22 address of record by the Department in the applicant's  
23 application file or registrant's registration file as  
24 maintained by the Department's licensure maintenance unit

1 Department.

2 "Landscape architecture" means the art and science of  
3 arranging land, together with the spaces and objects upon it,  
4 for the purpose of creating a safe, efficient, healthful, and  
5 aesthetically pleasing physical environment for human use and  
6 enjoyment, as performed by landscape architects.

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

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

25 "Secretary" means the Secretary of Financial and  
26 Professional Regulation. The Secretary may designate the

1 Secretary's ~~his or her~~ duties under this Act to a designee of  
2 the Secretary's ~~his or her~~ choice, including, but not limited  
3 to, the Director of Professional Regulation.

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

5 (225 ILCS 316/20)

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

7 Sec. 20. Seal.

8 (a) Every registered landscape architect shall have a  
9 reproducible seal, which may be computer generated, the  
10 impression of which shall contain the name of the registered  
11 landscape architect, the registered landscape architect's  
12 registration number, and the words "Registered Landscape  
13 Architect, State of Illinois". The registered landscape  
14 architect shall be responsible for the registered landscape  
15 architect's ~~his or her~~ seal and signature as defined by rule.

16 (b) Notwithstanding the requirements of this Section, an  
17 architect, land surveyor, professional engineer, or structural  
18 engineer licensed by the Department shall be permitted to  
19 affix the architect's, land surveyor's, professional  
20 engineer's, or structural engineer's ~~his or her~~ seal to any  
21 plans, specifications, and reports prepared by or under his or  
22 her supervision in connection with the incidental practice of  
23 landscape architecture.

24 (c) For all plans, specifications, or other technical  
25 submissions prepared or issued by the registered landscape

1 architect and filed for public record, the registered  
2 landscape architect shall affix the registered landscape  
3 architect's signature, current date, date of registration  
4 expiration, and a form of seal as prescribed by rule.

5 (d) The registered landscape architect's signature, date,  
6 and seal shall be evidence of the authenticity of that to which  
7 the signature, date, and seal are affixed. Any and all  
8 technical submissions may be transmitted electronically and  
9 may be signed by the registered landscape architect, dated,  
10 and sealed electronically with said seal.

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

12 (225 ILCS 316/23)

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

14 Sec. 23. Technical submissions.

15 (a) As used in this Act ~~Section~~, "technical submissions"  
16 includes the designs, drawings, plans, ~~and~~ specifications, and  
17 reports that establish the scope of a landscape architecture  
18 project; the standard of quality for materials, workmanship,  
19 equipment, and systems; and the studies and other technical  
20 reports and calculations prepared in the course of the  
21 practice of landscape architecture.

22 (b) A registered landscape architect shall not exercise  
23 authority in preparing technical submissions that require the  
24 involvement of an architect, professional engineer, structural  
25 engineer, or professional land surveyor licensed in Illinois.

1 (c) The registered landscape architect who has contract  
2 responsibility shall seal a cover sheet of the technical  
3 submissions and those individual portions of the technical  
4 submissions for which the registered landscape architect is  
5 legally and professionally responsible.

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

7 (225 ILCS 316/25)

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

9 Sec. 25. Display of registration. Every holder of a  
10 registered landscape architect registration shall display the  
11 holder's ~~his or her~~ certificate of registration in a  
12 conspicuous place in the holder's ~~his or her~~ principal office,  
13 place of business, or place of employment.

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

15 (225 ILCS 316/30)

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

17 Sec. 30. Address of record; email address of record. All  
18 applicants and registrants shall:

19 (1) provide a valid address and email address to the  
20 Department, which shall serve as the address of record and  
21 email address of record, respectively, at the time of  
22 application for registration or renewal of registration;  
23 and

24 (2) inform the Department of any change of address of

1 record or email address of record within 14 days after the  
2 ~~such~~ change, either through the Department's website or by  
3 contacting the Department's licensure maintenance unit  
4 ~~Department~~.

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

6 (225 ILCS 316/33)

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

8 Sec. 33. Registered Landscape Architecture Registration  
9 Board.

10 (a) The Secretary shall appoint a Registered Landscape  
11 Architecture Registration Board. The Board shall consist of 5  
12 persons who shall serve in an advisory capacity to the  
13 Secretary. All members of the Board shall be residents of  
14 Illinois. Four members shall be registered under this Act and  
15 have not been disciplined within the last 10-year period under  
16 this Act or the Illinois Landscape Architecture Act of 1989.  
17 In addition to the 4 registered landscape architects, there  
18 shall be one public member. The public member shall be a voting  
19 member and shall not be registered under this Act or licensed  
20 under any other design profession licensing Act that the  
21 Department administers.

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

24 (c) In appointing members to the Board, the Secretary  
25 shall give due consideration to recommendations by members and

1 organizations of the landscape architecture profession.

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

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

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

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

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

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

19 (j) (Blank). ~~The Department may at any time seek the~~  
20 ~~expert advice and knowledge of the Board on any matter~~  
21 ~~relating to the enforcement of this Act.~~

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

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

2 (225 ILCS 316/34)

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

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

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

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

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

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

16 (225 ILCS 316/48)

17 Sec. 48. Endorsement.

18 (a) The Department may issue a registration as a landscape  
19 architect to an applicant who submits a valid application  
20 accompanied by the required fee and is a landscape architect  
21 licensed, ~~or~~ registered, certified, or otherwise authorized  
22 under the laws of another state, the District of Columbia, a  
23 territory of the United States, or a foreign country if the  
24 requirements for licensure, registration, ~~or~~ certification, or

1 authorization in that other jurisdiction were, on the date of  
2 original licensure, registration, or certification,  
3 substantially equivalent to the requirements then in force in  
4 this State.

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

7 (c) If the accuracy of any submitted documentation or  
8 relevance or sufficiency of the coursework or experience is  
9 questioned by the Department or the Board because of a lack of  
10 information, discrepancies, or conflicts in information given  
11 or a need for clarification, the applicant seeking  
12 registration may be required to provide additional  
13 information.

14 (d) An applicant has 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 be expired  
17 ~~denied~~, the fee forfeited, and the applicant must reapply and  
18 meet the requirements in effect at the time of reapplication.

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

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

21 (225 ILCS 316/50)

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

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

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

1 established by rule. A registrant may renew a certificate of  
2 registration during the month preceding its expiration date by  
3 paying the required fee.

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

17 (c) A registered landscape architect whose registration  
18 expired while engaged (1) in federal service on active duty  
19 with the Armed Forces of the United States or the State Militia  
20 called into service or training or (2) in training or  
21 education under the supervision of the United States  
22 preliminary to induction into the military service, may have a  
23 registration restored or reinstated without paying any lapsed  
24 reinstatement, renewal, or restoration fees if, within 2 years  
25 after termination, other than by dishonorable discharge, of  
26 such service, training, or education, and the Department is

1 furnished with satisfactory evidence that the registrant has  
2 been so engaged in the practice of landscape architecture and  
3 that such service, training, or education has been so  
4 terminated.

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

6 (225 ILCS 316/55)

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

8 Sec. 55. Prior registrations under the Illinois Landscape  
9 Architecture Act of 1989. A person who was actively registered  
10 under the Illinois Landscape Architecture Act of 1989 and had  
11 renewed the person's ~~his or her~~ registration before January 1,  
12 2020, may have the person's ~~his or her~~ registration restored  
13 without fee upon the effective date of the rules adopted under  
14 this Act.

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

16 (225 ILCS 316/60)

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

18 Sec. 60. Inactive status.

19 (a) A person registered under this Act who notifies the  
20 Department in writing on forms or electronically as prescribed  
21 by the Department may elect to place the person's ~~his or her~~  
22 registration on inactive status and shall, subject to rules of  
23 the Department, be excused from payment of renewal fees until  
24 the person ~~he or she~~ notifies the Department in writing on

1 forms or electronically as prescribed by the Department of the  
2 person's ~~his or her~~ desire to resume active status.

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

6 (c) Any registrant who uses the title "registered  
7 landscape architect" or "landscape architect" while the  
8 registrant's ~~his or her~~ registration is inactive shall be  
9 considered to be using the title without a registration that  
10 shall be grounds for discipline under this Act.

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

12 (225 ILCS 316/70)

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

14 Sec. 70. Disposition of funds. All ~~of the~~ fees collected  
15 as authorized under this Act shall be deposited into the  
16 Design Professionals Administration and Investigation General  
17 Professions Dedicated Fund. The moneys deposited into the  
18 Design Professionals Administration and Investigation General  
19 Professions Dedicated Fund may be used for the expenses of the  
20 Department in the administration of this Act. Moneys from the  
21 Fund may also be used for direct and allocable indirect costs  
22 related to the public purposes of the Department of Financial  
23 and Professional Regulation. Moneys in the Fund may be  
24 transferred to the Professions Indirect Cost Fund as  
25 authorized by Section 2105-300 of the Department of

1 Professional Regulation Law of the Civil Administrative Code  
2 of Illinois.

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

4 (225 ILCS 316/80)

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

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

8 (a) If any person violates the provisions of this Act, the  
9 Secretary may, in the name of the People of the State of  
10 Illinois, through the Attorney General of the State of  
11 Illinois or the State's Attorney of any county in which the  
12 action is brought, petition for an order enjoining such  
13 violation and for an order enforcing compliance with this Act.  
14 Upon the filing of a verified petition in court, the court may  
15 issue a temporary restraining order, without notice or bond,  
16 and may preliminarily and permanently enjoin such violation.  
17 If it is established that such person has violated or is  
18 violating the injunction, the Court may punish the offender  
19 for contempt of court. Proceedings under this Section shall be  
20 in addition to, and not in lieu of, all other remedies and  
21 penalties provided by this Act.

22 (b) Whoever holds oneself ~~himself or herself~~ out as a  
23 "registered landscape architect", "landscape architect", or  
24 any other name or designation that would in any way imply that  
25 the person ~~he or she~~ is able to use the title "registered

1 landscape architect" or "landscape architect" without being  
2 registered under this Act shall be guilty of a Class A  
3 misdemeanor, and for each subsequent conviction shall be  
4 guilty of a Class 4 felony.

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

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

18 (e) The civil penalty shall be paid within 60 days after  
19 the effective date of the order imposing the civil penalty.  
20 The order shall constitute a judgment and may be filed and  
21 executed thereon in the same manner as any judgment from any  
22 court of record.

23 (f) Each day that a violation occurs constitutes a  
24 separate offense. Any civil penalties imposed shall be payable  
25 to the Department.

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

1 (225 ILCS 316/85)

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

3 Sec. 85. Grounds for discipline.

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

11 (1) Material misstatement in furnishing information to  
12 the Department.

13 (2) Negligent or intentional disregard of this Act or  
14 rules adopted under this Act.

15 (3) Conviction of or plea of guilty or nolo  
16 contendere, finding of guilt, jury verdict, or entry of  
17 judgment or sentencing, including, but not limited to,  
18 convictions, preceding sentences of supervision,  
19 conditional discharge, or first offender probation under  
20 the laws of any jurisdiction of the United States that is  
21 (i) a felony, (ii) a misdemeanor, an essential element of  
22 which is dishonesty, or (iii) any crime that is directly  
23 related to the practice of landscape architecture.

24 (4) Making any misrepresentations for the purpose of  
25 obtaining a certificate of registration.

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

3           (6) Aiding or assisting another person in violating  
4 any provision of this Act or any rules and regulations  
5 issued pursuant to this Act.

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

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

11           (9) Habitual or excessive use or abuse of drugs  
12 defined by law as controlled substances, alcohol,  
13 narcotics, stimulants, or any other substances that  
14 results in the inability to practice with reasonable  
15 judgment, skill, or safety.

16           (10) Discipline by another jurisdiction, if at least  
17 one of the grounds for the discipline is the same or  
18 substantially equivalent to those set forth in this  
19 Section.

20           (11) Directly or indirectly giving to or receiving  
21 from any person, firm, corporation, partnership, or  
22 association any fee, commission, rebate, or other form of  
23 compensation for any professional service not actually  
24 rendered.

25           (12) A finding by the Department that the registrant,  
26 after having the registration placed on probationary

1 status, has violated or failed to comply with the terms of  
2 probation.

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

5 (14) Being named as a perpetrator in an indicated  
6 report by the Department of Children and Family Services  
7 under the Abused and Neglected Child Reporting Act, and  
8 upon proof by clear and convincing evidence that the  
9 registrant has caused a child to be an abused child or  
10 neglected child as defined in the Abused and Neglected  
11 Child Reporting Act.

12 (15) Solicitation of professional services by ~~using~~  
13 ~~false or misleading~~ advertising in any manner that is  
14 false, misleading, or deceptive.

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

20 (17) Using or attempting to use an expired, inactive,  
21 suspended, ~~or~~ revoked, canceled, nonrenewed, or otherwise  
22 inoperative registration, using ~~or~~ the seal of another  
23 registrant, or impersonating another registrant.

24 (18) Signing, affixing, or allowing the registered  
25 landscape architect's seal to be affixed to any plans not  
26 prepared by the registered landscape architect or under

1 the registered landscape architect's supervision.

2 (19) Practicing, attempting to practice, or  
3 advertising under a name other than the full name as shown  
4 on the certificate of registration or any other legally  
5 authorized name.

6 (20) Performing any act or practice that is a  
7 violation of the Consumer Fraud and Deceptive Business  
8 Practices Act.

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

12 (22) Violating any final administrative order of the  
13 Secretary.

14 (23) Gross and willful overcharging for professional  
15 services, including filing false statements for the  
16 collection of fees or moneys for which services are not  
17 rendered.

18 (b) The Department may refuse to issue or may suspend the  
19 registration of any person who fails to file a return, fails to  
20 pay the tax, penalty, or interest showing in a filed return, or  
21 fails to pay any final assessment of tax, penalty, or  
22 interest, as required by any tax Act administered by the  
23 Department of Revenue, until the requirements of any such tax  
24 Act are satisfied.

25 (c) The determination or entry of a decree by any circuit  
26 court establishing that any person holding a certificate of

1 registration under this Act is a person subject to involuntary  
2 admission under the Mental Health and Developmental  
3 Disabilities Code shall operate as a suspension of that  
4 registration. That person may resume using the title  
5 "registered landscape architect" or "landscape architect" only  
6 upon a finding by the Department that the person ~~he or she~~ has  
7 been determined to be no longer subject to involuntary  
8 admission by the court and meeting the requirements for  
9 restoration as required by this Act and its rules.

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

11 (225 ILCS 316/95)

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

13 Sec. 95. Record of proceedings.

14 (a) The Department, at its expense, shall provide a  
15 certified shorthand reporter to take down the testimony and  
16 preserve a record of all proceedings in which a registrant may  
17 have their registration revoked or suspended or in which the  
18 registrant may be placed on probationary status, reprimanded,  
19 fined, or subjected to other disciplinary action with  
20 reference to the registration when a disciplinary action is  
21 authorized under this Act and rules issued pursuant to this  
22 Act. The notice of hearing, complaint, and all other documents  
23 in the nature of pleadings and written motions filed in the  
24 proceedings, the transcript of the testimony, and the orders  
25 of the Department shall be the record of the proceedings. The

1 record may be made available to any person interested in the  
2 hearing upon payment of the fee required by Section 2105-115  
3 of the Department of Professional Regulation Law of the Civil  
4 Administrative Code of Illinois.

5 (b) The Department may contract for court reporting  
6 services, and, if it does so, the Department shall provide the  
7 name and contact information for the certified shorthand  
8 reporter who transcribed the testimony at a hearing to any  
9 person interested, who may obtain a copy of the transcript of  
10 any proceedings at a hearing upon payment of the fee specified  
11 by the certified shorthand reporter.

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

13 (225 ILCS 316/110)

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

15 Sec. 110. Hearing; motion for rehearing.

16 (a) The hearing officer appointed by the Secretary shall  
17 hear evidence in support of the formal charges and evidence  
18 produced by the registrant. At the conclusion of the hearing,  
19 the hearing officer shall present to the Secretary a written  
20 report of the hearing officer's ~~his or her~~ findings of fact,  
21 conclusions of law, and recommendations.

22 (b) At the conclusion of the hearing, a copy of the hearing  
23 officer's report shall be served upon the applicant or  
24 registrant, either personally or as provided in this Act for  
25 the service of the notice of hearing. Within 20 days after such

1 service, the applicant or registrant may present to the  
2 Department a motion, in writing, for a rehearing which shall  
3 specify the particular grounds for rehearing. The Department  
4 may respond to the motion for rehearing within 20 days after  
5 its service on the Department. If no motion for rehearing is  
6 filed, then upon the expiration of the time specified for  
7 filing such a motion, or upon denial of a motion for rehearing,  
8 the Secretary may enter an order in accordance with the  
9 recommendations of the hearing officer. If the applicant or  
10 registrant orders from the reporting service and pays for a  
11 transcript of the record within the time for filing a motion  
12 for rehearing, the 20-day period within which a motion may be  
13 filed shall commence upon delivery of the transcript to the  
14 applicant or registrant.

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

18 (d) If the Secretary is not satisfied that substantial  
19 justice has been done, the Secretary may order a hearing by the  
20 same or another hearing officer.

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

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

1 Section 30. The Community Association Manager Licensing  
2 and Disciplinary Act is amended by changing Sections 10, 20,  
3 40, 55, 60, 75, 85, 85.1, 86, 95, and 120 as follows:

4 (225 ILCS 427/10)

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

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

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

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

19 "Board" means the Community Association Manager Licensing  
20 and Disciplinary Board.

21 "Community association" means an association in which  
22 membership is a condition of ownership or shareholder interest  
23 of a unit in a condominium, cooperative, townhouse, villa, or  
24 other residential unit which is part of a residential  
25 development plan and that is authorized to impose an

1 assessment, rents, or other costs that may become a lien on the  
2 unit or lot.

3 "Community association funds" means any assessments, fees,  
4 fines, or other funds collected by the community association  
5 manager from the community association, or its members, other  
6 than the compensation paid to the community association  
7 manager for performance of community association management  
8 services.

9 "Community association management firm" means a company,  
10 corporation, limited liability company, partnership, or other  
11 entity that engages in community association management  
12 services.

13 "Community association management services" means those  
14 services listed in the definition of community association  
15 manager in this Section.

16 "Community association manager" means an individual who:

17 (1) has an ownership interest in or is employed by a  
18 community association management firm, or is directly  
19 employed by or provides services as an independent  
20 contractor to a community association; and

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

24 (A) collecting, controlling or disbursing funds of  
25 the community association or having the authority to  
26 do so;

1 (B) preparing budgets or other financial documents  
2 for the community association;

3 (C) assisting in the conduct of community  
4 association meetings;

5 (D) maintaining association records;

6 (E) administering association contracts or  
7 procuring goods and services in accordance with the  
8 declaration, bylaws, proprietary lease, declaration of  
9 covenants, or other governing document of the  
10 community association or at the direction of the board  
11 of managers; and

12 (F) coordinating financial, administrative,  
13 maintenance, or other duties called for in the  
14 management contract, including individuals who are  
15 direct employees of the community association.

16 ~~"Community association manager" does not mean support~~  
17 ~~staff, including, but not limited to bookkeepers,~~  
18 ~~administrative assistants, secretaries, property inspectors,~~  
19 ~~or customer service representatives.~~

20 "Department" means the Department of Financial and  
21 Professional Regulation.

22 "Designated community association manager" means a  
23 licensed community association manager who: (1) has an  
24 ownership interest in or is employed by a community  
25 association management firm to act as a controlling person;  
26 and (2) is the authorized signatory or has delegated signing

1 authority for the firm on community association accounts; and  
2 (3) supervises, manages, and is responsible for the firm's  
3 community association manager activities pursuant to Section  
4 50 of this Act.

5 "Email address of record" means the designated email  
6 address recorded by the Department in the applicant's  
7 application file or the licensee's license file, as maintained  
8 by the Department.

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

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

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

15 "Secretary" means the Secretary of Financial and  
16 Professional Regulation or the Secretary's designee.

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

18 (225 ILCS 427/20)

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

20 Sec. 20. Exemptions.

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

23 (1) Any director or officer of a community association  
24 providing one or more of the services of a community  
25 association manager to a community association without

1 compensation for such services to the association.

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

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

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

10 (5) A person licensed in this State under any other  
11 Act who engages in practices or activities specifically  
12 authorized by the Act pursuant to which the license was  
13 granted.

14 (6) An unlicensed owner who does not perform a  
15 licensed activity and the unlicensed owner's support  
16 staff, including, but not limited to bookkeepers,  
17 administrative assistants, secretaries, property  
18 inspectors, or customer service representatives.

19 (b) A licensed community association manager may not  
20 perform or engage in any activities for which a real estate  
21 managing broker, real estate broker, or residential leasing  
22 agent license is required under the Real Estate License Act of  
23 2000, unless the licensee also possesses a current and valid  
24 license under the Real Estate License Act of 2000 and is  
25 providing those services as provided for in the Real Estate  
26 License Act of 2000 and the applicable rules.

1 (c) (Blank).

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

3 (225 ILCS 427/40)

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

5 Sec. 40. Qualifications for licensure as a community  
6 association manager.

7 (a) No person shall be qualified for licensure as a  
8 community association manager under this Act unless the person  
9 has applied in writing on the prescribed forms and has paid the  
10 required, nonrefundable fees and has met all of the following  
11 qualifications:

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

13 (1.5) Successfully completed a 4-year course of study  
14 in a high school, secondary school, or an equivalent  
15 course of study approved by the state in which the school  
16 is located, or possess a State of Illinois High School  
17 Diploma, which shall be verified under oath by the  
18 applicant.

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

22 (3) Passed an examination authorized by the  
23 Department.

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

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

9           (6) (Blank). ~~Has not been declared by any court of~~  
10 ~~competent jurisdiction to be incompetent by reason of~~  
11 ~~mental or physical defect or disease, unless subsequently~~  
12 ~~declared by a court to be competent.~~

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

15           (b) (Blank).

16           (c) (Blank).

17           (d) Applicants have 3 years from the date of application  
18 to complete the application process. If the process has not  
19 been completed within the 3 years, the application shall be  
20 denied, the fee shall be forfeited, and the applicant must  
21 reapply and meet the requirements in effect at the time of  
22 re-application.

23           (e) The Department shall not require applicants to report  
24 the following information and shall not consider the following  
25 criminal history records in connection with an application for  
26 licensure:

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

5           (2) law enforcement records, court records, and  
6 conviction records of an individual who was 17 years old  
7 at the time of the offense and before January 1, 2014,  
8 unless the nature of the offense required the individual  
9 to be tried as an adult;

10          (3) records of arrest not followed by a charge or  
11 conviction;

12          (4) records of arrest in which the charges were  
13 dismissed unless related to the practice of the  
14 profession; however, applicants shall not be asked to  
15 report any arrests, and an arrest not followed by a  
16 conviction shall not be the basis of a denial and may be  
17 used only to assess an applicant's rehabilitation;

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

19          (6) convictions or arrests that have been sealed or  
20 expunged.

21          (f) An applicant or licensee shall report to the  
22 Department, in a manner prescribed by the Department, and  
23 within 30 days after the occurrence if during the term of  
24 licensure: (i) any conviction of or plea of guilty or nolo  
25 contendere to forgery, embezzlement, obtaining money under  
26 false pretenses, larceny, extortion, conspiracy to defraud, or

1 any similar offense or offenses or any conviction of a felony  
2 involving moral turpitude; (ii) the entry of an administrative  
3 sanction by a governmental ~~government~~ agency in this State or  
4 any other jurisdiction that has as an essential element  
5 dishonesty or fraud or involves larceny, embezzlement, or  
6 obtaining money, property, or credit by false pretenses; or  
7 (iii) any conviction of or plea of guilty or nolo contendere to  
8 a crime that subjects the licensee to compliance with the  
9 requirements of the Sex Offender Registration Act.

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

11 (225 ILCS 427/55)

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

13 Sec. 55. Insurance ~~Fidelity insurance~~; segregation of  
14 accounts; records.

15 (a) The designated community association manager or the  
16 community association management firm that employs the  
17 designated community association manager shall not have access  
18 to and disburse community association funds unless each of the  
19 following conditions occur:

20 (1) There is fidelity or crime insurance in place to  
21 insure against loss or theft of community association  
22 funds.

23 (2) The fidelity or crime insurance is in the maximum  
24 amount of coverage available to protect funds in the  
25 custody or control of the designated community association

1 manager or community association management firm providing  
2 service to the association.

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

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

8 (A) the designated community association manager;

9 (B) the community association management firm;

10 (C) all community association managers;

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

13 (E) the community association officers, directors,  
14 and employees.

15 (4) The insurance company issuing the fidelity or  
16 crime insurance may not cancel or refuse to renew the  
17 coverage bond without giving at least 10 days' prior  
18 written notice.

19 (5) Unless an agreement between the community  
20 association and the designated community association  
21 manager or the community association management firm  
22 provides to the contrary, a community association may  
23 secure and pay for the fidelity or crime insurance  
24 required by this Section. The designated community  
25 association manager, all other licensees, and the  
26 community association management firm must be named as

1 additional insured parties on the community association  
2 policy. If the fidelity or crime insurance is not secured  
3 and paid for by the association, the designated community  
4 association manager or the community association  
5 management firm that secures and pays for the insurance  
6 shall provide a current certificate of fidelity or crime  
7 insurance to the community association for which it  
8 provides community association management services within  
9 10 days of a request for such certificate by the community  
10 association for its records.

11 (b) A community association management firm that provides  
12 community association management services for more than one  
13 community association shall maintain separate, segregated  
14 accounts for each community association. The funds shall not,  
15 in any event, be commingled with the funds of the community  
16 association manager, the community association management  
17 firm, or any other community association. The maintenance of  
18 such accounts shall be custodial, and such accounts shall be  
19 in the name of the respective community association.

20 (c) The designated community association manager or  
21 community association management firm shall obtain the  
22 appropriate general liability and errors and omissions  
23 insurance, as determined by the Department, to cover any  
24 losses or claims against a community association manager, the  
25 designated community association manager, or the community  
26 association management firm. The designated community

1 association manager or the community association management  
2 firm shall provide a current certificate of general liability  
3 and errors and omissions insurance to the community  
4 association for which it provides community association  
5 management services within 10 days of a request for such  
6 certificate by the community association for its records.

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

11 (d) The Department shall have authority to promulgate  
12 additional rules regarding insurance, fidelity or crime  
13 insurance, and all records and accounts required ~~maintained~~  
14 ~~and~~ to be maintained by a community association manager,  
15 designated community association manager, or community  
16 association management firm.

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

18 (225 ILCS 427/60)

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

20 Sec. 60. Licenses; renewals; restoration; person in  
21 military service.

22 (a) The expiration date, fees, and renewal period for each  
23 license issued under this Act shall be set by rule. The  
24 Department may promulgate rules requiring pre-license or  
25 continuing education and set all necessary requirements for

1 such, including, but not limited to, fees, ~~approved~~  
2 ~~coursework, number of hours, and waivers of continuing~~  
3 ~~education.~~

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

12 (b) A community association manager whose license has been  
13 lapsed or expired for more than 2 years but less than 5 years  
14 following the expiration date of the license may restore the  
15 license without examination by (i) applying to the Department,  
16 (ii) providing evidence of the community association manager's  
17 successful completion of all hours of approved continuing  
18 education during the lapsed periods prior to the date of the  
19 application, (iii) paying the required fees, and (iv)  
20 satisfying any other requirements as established by rule. A  
21 community association manager whose license has been expired  
22 for more than 5 years shall be required to meet the  
23 requirements of a new license. ~~Any licensee who has an expired~~  
24 ~~license may have the license restored by applying to the~~  
25 ~~Department and filing proof acceptable to the Department of~~  
26 ~~fitness to have the expired license restored, which may~~

1 ~~include sworn evidence certifying to active practice in~~  
2 ~~another jurisdiction satisfactory to the Department, complying~~  
3 ~~with any continuing education requirements, and paying the~~  
4 ~~required restoration fee.~~

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

19 (d) A community association manager or community  
20 association management firm that notifies the Department, in a  
21 manner prescribed by the Department, may place the license on  
22 inactive status for a period not to exceed 2 years and shall be  
23 excused from the payment of renewal fees until the person  
24 notifies the Department in writing of the intention to resume  
25 active practice.

26 (e) A community association manager or community

1 association management firm requesting that the license be  
2 changed from inactive to active status shall be required to  
3 pay the current renewal fee and shall also demonstrate  
4 compliance with the continuing education requirements.

5 (f) No licensee with a nonrenewed or inactive license  
6 status or community association management firm operating  
7 without a designated community association manager shall  
8 provide community association management services as set forth  
9 in this Act.

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

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

19 (i) The Department shall not issue or renew a license if  
20 the applicant or licensee has an unpaid fine or civil penalty  
21 imposed by the Department for unlicensed practice until the  
22 fine or civil penalty is paid to the Department or the  
23 applicant or licensee has entered into a payment plan and is  
24 current on the required payments.

25 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;  
26 103-236, eff. 1-1-24.)

1 (225 ILCS 427/75)

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

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

14 An applicant under this Section shall pay all the required  
15 fees and ~~All applicants under this Act~~ have 3 years from the  
16 date of application to complete the application process. If  
17 the process has not been completed within the 3 years, the  
18 application shall be denied, the fee shall be forfeited, and  
19 the applicant must reapply and meet the requirements in effect  
20 at the time of reapplication.

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

22 (225 ILCS 427/85)

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

24 Sec. 85. Grounds for discipline; refusal, revocation, or

1 suspension.

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

10 (1) Material misstatement in furnishing information to  
11 the Department.

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

13 (3) Conviction of or entry of a plea of guilty or plea  
14 of nolo contendere, as set forth in subsection (f) of  
15 Section 40, to (i) a felony or a misdemeanor under the laws  
16 of the United States, any state, or any other jurisdiction  
17 or entry of an administrative sanction by a governmental  
18 ~~government~~ agency in this State or any other jurisdiction  
19 or (ii) a crime that subjects the licensee to compliance  
20 with the requirements of the Sex Offender Registration  
21 Act; or the entry of an administrative sanction by a  
22 governmental ~~government~~ agency in this State or any other  
23 jurisdiction.

24 (4) Making any misrepresentation for the purpose of  
25 obtaining a license or violating any provision of this Act  
26 or its rules.

1 (5) Professional incompetence.

2 (6) Gross negligence.

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

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

7 (9) Engaging in dishonorable, unethical, or  
8 unprofessional conduct of a character likely to deceive,  
9 defraud, or harm the public as defined by the rules of the  
10 Department, or violating the rules of professional conduct  
11 adopted by the Department.

12 (10) Habitual or excessive use or addiction to  
13 alcohol, narcotics, stimulants, or any other chemical  
14 agent or drug that results in the inability to practice  
15 with reasonable judgment, skill, or safety, and which may  
16 result in significant harm to the public.

17 (11) Having been disciplined by another state, the  
18 District of Columbia, a territory, a foreign nation, or a  
19 governmental agency authorized to impose discipline if at  
20 least one of the grounds for the discipline is the same or  
21 substantially equivalent of one of the grounds for which a  
22 licensee may be disciplined under this Act. A certified  
23 copy of the record of the action by the other state or  
24 jurisdiction shall be prima facie evidence thereof.

25 (12) Directly or indirectly giving to or receiving  
26 from any person, firm, corporation, partnership, or

1 association any fee, commission, rebate, or other form of  
2 compensation for any services not actually or personally  
3 rendered.

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

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

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

18 (16) Physical illness or mental illness or impairment  
19 that results in the inability to practice the profession  
20 with reasonable judgment, skill, or safety.

21 (17) Solicitation of professional services by using  
22 false or misleading advertising.

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

25 (19) Practicing or attempting to practice under a name  
26 other than the full name as shown on the license or any

1 other legally authorized name unless approved by the  
2 Department.

3 (20) Gross overcharging for professional services  
4 including, but not limited to, (i) collection of fees or  
5 moneys for services that are not rendered; and (ii)  
6 charging for services that are not in accordance with the  
7 contract between the licensee and the community  
8 association.

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

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

14 (23) Giving differential treatment to a person that is  
15 to that person's detriment on the basis of race, color,  
16 sex, ancestry, age, order of protection status, marital  
17 status, physical or mental disability, military status,  
18 unfavorable discharge from military status, sexual  
19 orientation, pregnancy, religion, or national origin.

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

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

26 (26) Purporting to be a designated community

1 association manager of a firm without active participation  
2 in the firm and having been designated as such.

3 (27) Failing to make available to the Department at  
4 the time of the request any indicia of licensure issued  
5 under this Act.

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

9 (29) Violating the terms of any order issued by the  
10 Department.

11 (30) Operating a community association management firm  
12 without a designated community association manager who  
13 holds an active community association manager license.

14 (31) For a designated community association manager,  
15 failing to meet the requirements for acting as a  
16 designated community association manager.

17 (32) Failing to disclose to a community association  
18 any compensation received by a licensee from a third party  
19 in connection with or related to a transaction entered  
20 into by the licensee on behalf of the community  
21 association.

22 (33) Failing to disclose to a community association,  
23 at the time of making the referral, that a licensee (A) has  
24 greater than a 1% ownership interest in a third party to  
25 which it refers the community association; or (B) receives  
26 or may receive dividends or other profit sharing

1 distributions from a third party, other than a publicly  
2 held or traded company, to which it refers the community  
3 association.

4 (b) (Blank).

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

15 (d) In accordance with subsection (g) of Section 2105-15  
16 of the Department of Professional Regulation Law of the Civil  
17 Administrative Code of Illinois (~~20 ILCS 2105/2105-15~~), the  
18 Department may refuse to issue or renew or may suspend the  
19 license of any person who fails to file a return, to pay the  
20 tax, penalty, or interest shown in a filed return, or to pay  
21 any final assessment of tax, penalty, or interest, as required  
22 by any tax Act administered by the Department of Revenue,  
23 until such time as the requirements of that tax Act are  
24 satisfied.

25 (e) In accordance with subdivision (a)(5) of Section  
26 2105-15 of the Department of Professional Regulation Law of

1 the Civil Administrative Code of Illinois ~~(20—ILCS~~  
2 ~~2105/2105-15)~~ and in cases where the Department of Healthcare  
3 and Family Services (formerly Department of Public Aid) has  
4 previously determined that a licensee or a potential licensee  
5 is more than 30 days delinquent in the payment of child support  
6 and has subsequently certified the delinquency to the  
7 Department, the Department may refuse to issue or renew or may  
8 revoke or suspend that person's license or may take other  
9 disciplinary action against that person based solely upon the  
10 certification of delinquency made by the Department of  
11 Healthcare and Family Services.

12 (f) (Blank).

13 (g) In accordance with subsection (g-5) of Section 2105-15  
14 of the Department of Professional Regulation Law of the Civil  
15 Administrative Code of Illinois, the Department may refuse to  
16 issue or renew, suspend, or revoke, without a hearing, the  
17 license of any person or entity who fails to pay or secure  
18 workers' compensation obligations as determined by and based  
19 solely upon the certification of the Department of Insurance  
20 or the Illinois Workers' Compensation Commission.

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

22 (225 ILCS 427/85.1)

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

24 Sec. 85.1. Citations.

25 (a) The Department may adopt rules to permit the issuance

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

14 (b) Service of a citation shall be made in person,  
15 electronically, or by mail to the licensee at the licensee's  
16 address of record or email address of record, and the citation  
17 must clearly state that if the cited licensee wishes to  
18 dispute the citation, the cited licensee may make a written  
19 request, within 30 days after the citation is served, for a  
20 hearing before the Department. If the cited licensee does not  
21 request a hearing within 30 days after the citation is served,  
22 then ~~the citation shall become~~ a final, non-disciplinary order  
23 shall be entered, and any fine imposed is due and payable  
24 within 30 ~~60~~ days after the entry of that final order. If the  
25 cited licensee requests a hearing within 30 days after the  
26 citation is served, the Department shall afford the cited

1 licensee a hearing conducted in the same manner as a hearing  
2 provided for in this Act for any violation of this Act and  
3 shall determine whether the cited licensee committed the  
4 violation as charged and whether the fine as levied is  
5 warranted. If the violation is found, any fine shall  
6 constitute non-public discipline and be due and payable within  
7 30 days after the order of the Secretary, which shall  
8 constitute a final order of the Department. No change in  
9 license status may be made by the Department until a final  
10 order of the Department has been issued.

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

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

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

20 (225 ILCS 427/86)

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

22 Sec. 86. Illegal discrimination.

23 (a) When there has been an adjudication in a civil or  
24 criminal proceeding that a community association manager or  
25 community association management firm has illegally

1 discriminated while engaged in any activity for which a  
2 license is required under this Act, the Department, following  
3 the provision of notice to the licensee and a hearing  
4 conducted in accordance with Section 95 and upon the  
5 recommendation of the Board as to the extent of the suspension  
6 or revocation, shall suspend or revoke the license of that  
7 licensee in a timely manner, unless the adjudication is in the  
8 appeal process. The finding or judgment of the civil or  
9 criminal proceeding is a matter of record and the merits of the  
10 finding or judgment shall not be challenged in a request for a  
11 hearing by the licensee.

12 (b) When there has been an order in an administrative  
13 proceeding finding that a licensee has illegally discriminated  
14 while engaged in any activity for which a license is required  
15 under this Act, the Department, following the provision of  
16 notice to the licensee and a hearing conducted in accordance  
17 with Section 95, and upon recommendation of the Board as to the  
18 nature and extent of the discipline, shall take one or more of  
19 the disciplinary actions provided for in Section 85 in a  
20 timely manner, unless the administrative order is in the  
21 appeal process. The finding of the administrative order is a  
22 matter of record and the merits of the finding shall not be  
23 challenged in a request for a hearing by the licensee.

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

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

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

25 The Department shall serve notice under this Section by  
26 regular or electronic mail to the person's most recent ~~last~~

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

25 At the discretion of the Secretary after having first  
26 received the recommendation of the Board, the person's license

1 may be suspended, revoked, or placed on probationary status or  
2 the Department may take whatever disciplinary action  
3 considered proper, including limiting the scope, nature, or  
4 extent of the person's practice or the imposition of a fine if  
5 the act or acts charged constitute sufficient grounds for that  
6 action under this Act. A copy of the Department's final  
7 disciplinary order shall be delivered to the person's  
8 designated community association manager or may be sent to the  
9 community association that directly employs the person.

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

11 (225 ILCS 427/120)

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

13 Sec. 120. Appointment of a hearing officer. The Secretary  
14 has the authority to appoint any attorney duly licensed to  
15 practice law in the State of Illinois to serve as the hearing  
16 officer in any action for refusal to issue or renew a license,  
17 or to discipline a licensee. The hearing officer has full  
18 authority to conduct the hearing. The hearing officer shall  
19 report the findings and recommendations to the Board and the  
20 Secretary. ~~At its next meeting following receipt of the~~  
21 ~~report, the Board shall review the report of the hearing~~  
22 ~~officer and present its findings of fact, conclusions of law,~~  
23 ~~and recommendations to the Secretary.~~

24 The Board shall have 90 days from receipt of the hearing  
25 officer's report to review the report of the hearing officer

1 and present the Board's findings of fact, conclusions of law,  
2 and recommendations to the Secretary. If the Board fails to  
3 present its findings of fact, conclusions of law, and  
4 recommendations within the 90-day time period, the Department  
5 may request in writing a direct appeal to the Secretary and the  
6 Secretary may issue an order based upon the report of the  
7 hearing officer and the record of the proceedings or issue an  
8 order remanding the matter back to the hearing officer for  
9 additional proceedings in accordance with the order. If the  
10 Board fails to present its findings of fact, conclusions of  
11 law, and recommendations within a 90-day time period after  
12 receiving an Order of Default, the Department may request in  
13 writing a direct appeal to the Secretary to issue a final  
14 order.

15 ~~If the Board fails to present its report within 30~~  
16 ~~calendar days following its next meeting after receiving the~~  
17 ~~report, the respondent may request in writing a direct appeal~~  
18 ~~to the Secretary, in which case the Secretary shall, within 7~~  
19 ~~calendar days after the request, issue an order directing the~~  
20 ~~Board to issue its findings of fact, conclusions of law, and~~  
21 ~~recommendations to the Secretary within 30 calendar days after~~  
22 ~~such order.~~

23 ~~If the Board fails to issue its findings of fact,~~  
24 ~~conclusions of law, and recommendations within that time frame~~  
25 ~~to the Secretary after the entry of such order, the Secretary~~  
26 ~~shall, within 30 calendar days thereafter, issue an order~~

1 ~~based upon the report of the hearing officer and the record of~~  
2 ~~the proceedings or issue an order remanding the matter back to~~  
3 ~~the hearing officer for additional proceedings in accordance~~  
4 ~~with the order.~~

5 ~~If (i) a direct appeal is requested, (ii) the Board fails~~  
6 ~~to issue its findings of fact, conclusions of law, and~~  
7 ~~recommendations within the 30 day mandate from the Secretary~~  
8 ~~or the Secretary fails to order the Board to do so, and (iii)~~  
9 ~~the Secretary fails to issue an order within 30 calendar days~~  
10 ~~thereafter, then the hearing officer's report is deemed~~  
11 ~~accepted and a final decision of the Secretary.~~

12 Notwithstanding any other provision of this Section, if  
13 the Secretary, upon review, determines that substantial  
14 justice has not been done in the revocation, suspension, or  
15 refusal to issue or renew a license or other disciplinary  
16 action taken as the result of the entry of the hearing  
17 officer's report, the Secretary may order a rehearing by the  
18 same or other examiners. If the Secretary disagrees in any  
19 regard with the recommendation of the Board or the hearing  
20 officer, the Secretary may issue an order in contravention of  
21 either recommendation.

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

23 Section 35. The Detection of Deception Examiners Act is  
24 amended by changing Sections 3, 8, 8.5, 11, 13, 14, 17, 19,  
25 26.1, and 30 as follows:

1 (225 ILCS 430/3) (from Ch. 111, par. 2403)

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

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

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

16 (225 ILCS 430/8) (from Ch. 111, par. 2409)

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

18 Sec. 8. Applications for original licenses shall be made  
19 to the Department in writing on forms prescribed by the  
20 Department and shall be accompanied by the required fee, which  
21 shall not be returnable. Any such application shall require  
22 such information as in the judgment of the Department will  
23 enable the Department to pass on the qualifications of the  
24 applicant for a license.

1           If an applicant neglects, fails without an approved excuse  
2 or refuses to take the next available examination for a  
3 license under this Act, the fee paid by the applicant shall be  
4 forfeited and the application denied. If an applicant fails to  
5 pass an examination for a license under this Act within 3 years  
6 after filing an ~~his or her~~ application, the application shall  
7 be denied. However, such applicant may thereafter make a new  
8 application for examination, accompanied by the required fee.  
9 (Source: P.A. 97-168, eff. 7-22-11.)

10           (225 ILCS 430/8.5)

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

12           Sec. 8.5. Social Security Number or individual tax  
13 identification number on license application. In addition to  
14 any other information required to be contained in the  
15 application, every application for an original license under  
16 this Act shall include the applicant's Social Security Number  
17 or individual taxpayer identification number, which shall be  
18 retained in the agency's records pertaining to the license. As  
19 soon as practical, the Department shall assign a customer's  
20 identification number to each applicant for a license.

21           Every application for a renewal, reinstated, or restored  
22 license shall require the applicant's customer identification  
23 number.

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

1 (225 ILCS 430/11) (from Ch. 111, par. 2412)

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

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

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

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

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

13 D. Who has satisfactorily completed 6 months of study  
14 in detection of deception, as prescribed by rule, which  
15 shall include, but not be limited to, course content,  
16 trainer qualifications, and specialized instructor  
17 qualifications.

18 In determining good moral character, the Department may  
19 take into consideration conviction of any crime under the laws  
20 of the United States or any state or territory thereof that is  
21 a felony or a misdemeanor or any crime that is directly related  
22 to the practice of the profession.

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

24 (225 ILCS 430/13) (from Ch. 111, par. 2414)

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

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

20           A license or duplicate license must be prominently  
21 displayed at the principal place of business of every  
22 examiner.

23           Notice in writing shall be given to the Department by such  
24 license holder of any change of principal business location  
25 whereupon, the Department shall issue a new license for the  
26 unexpired period upon payment of the required fee. A change of

1 business location without notification to the Department and  
2 without the issuance by it of a new license shall  
3 automatically suspend the license theretofore issued.

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

5 (225 ILCS 430/14) (from Ch. 111, par. 2415)

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

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

13 (1) Material misstatement in furnishing information to  
14 the Department.

15 (2) Violations of this Act, or of the rules adopted  
16 under this Act.

17 (3) Conviction by plea of guilty or nolo contendere,  
18 finding of guilt, jury verdict, or entry of judgment or by  
19 sentencing of any crime, including, but not limited to,  
20 convictions, preceding sentences of supervision,  
21 conditional discharge, or first offender probation, under  
22 the laws of any jurisdiction of the United States: (i)  
23 that is a felony or (ii) that is a misdemeanor, an  
24 essential element of which is dishonesty, or that is  
25 directly related to the practice of the profession.

1           (4) Making any misrepresentation for the purpose of  
2 obtaining licensure or violating any provision of this Act  
3 or the rules adopted under this Act pertaining to  
4 advertising.

5           (5) Professional incompetence.

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

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

10          (8) Where the license holder has been adjudged  
11 mentally ill, mentally deficient or subject to involuntary  
12 admission as provided in the Mental Health and  
13 Developmental Disabilities Code.

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

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

19          (11) Inability to practice with reasonable judgment,  
20 skill, or safety as a result of habitual or excessive use  
21 or addiction to alcohol, narcotics, stimulants, or any  
22 other chemical agent or drug.

23          (12) Discipline by another state, District of  
24 Columbia, territory, or foreign nation, if at least one of  
25 the grounds for the discipline is the same or  
26 substantially equivalent to those set forth in this

1 Section.

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

5 (14) Willfully making or filing false records or  
6 reports in his or her practice, including, but not limited  
7 to, false records filed with State agencies or  
8 departments.

9 (15) Inability to practice the profession with  
10 reasonable judgment, skill, or safety as a result of a  
11 physical illness, including, but not limited to,  
12 deterioration through the aging process or loss of motor  
13 skill, or a mental illness or disability.

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

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

19 (18) Fraud or misrepresentation in applying for, or  
20 procuring, a license under this Act or in connection with  
21 applying for renewal of a license under this Act.

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

24 All fines imposed under this Section shall be paid within  
25 60 days after the effective date of the order imposing the  
26 fine.

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

11 (c) (Blank).

12 (d) In cases where the Department of Healthcare and Family  
13 Services has previously determined a licensee or a potential  
14 licensee is more than 30 days delinquent in the payment of  
15 child support and has subsequently certified the delinquency  
16 to the Department, the Department may refuse to issue or renew  
17 or may revoke or suspend that person's license or may take  
18 other disciplinary action against that person based solely  
19 upon the certification of delinquency made by the Department  
20 of Healthcare and Family Services in accordance with item (5)  
21 of subsection (a) of Section 2105-15 of the Civil  
22 Administrative Code of Illinois.

23 (e) The determination by a circuit court that a licensee  
24 is subject to involuntary admission or judicial admission, as  
25 provided in the Mental Health and Developmental Disabilities  
26 Code, operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the patient is no  
2 longer subject to involuntary admission or judicial admission  
3 and the issuance of an order so finding and discharging the  
4 patient.

5 (f) In enforcing this Act, the Department, upon a showing  
6 of a possible violation, may compel an individual licensed to  
7 practice under this Act, or who has applied for licensure  
8 under this Act, to submit to a mental or physical examination,  
9 or both, as required by and at the expense of the Department.  
10 The Department may order the examining physician to present  
11 testimony concerning the mental or physical examination of the  
12 licensee or applicant. No information shall be excluded by  
13 reason of any common law or statutory privilege relating to  
14 communications between the licensee or applicant and the  
15 examining physician. The examining physicians shall be  
16 specifically designated by the Department. The individual to  
17 be examined may have, at the individual's ~~his or her~~ own  
18 personal expense, another physician of the individual's ~~his or~~  
19 ~~her~~ choice present during all aspects of this examination. The  
20 examination shall be performed by a physician licensed to  
21 practice medicine in all its branches. Failure of an  
22 individual to submit to a mental or physical examination, when  
23 directed, shall result in an automatic suspension without  
24 hearing.

25 A person holding a license under this Act or who has  
26 applied for a license under this Act who, because of a physical

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

18 In instances in which the Secretary immediately suspends a  
19 person's license under this Section, a hearing on that  
20 person's license must be convened by the Department within 15  
21 days after the suspension and completed without appreciable  
22 delay. The Department shall have the authority to review the  
23 subject individual's record of treatment and counseling  
24 regarding the impairment to the extent permitted by applicable  
25 federal statutes and regulations safeguarding the  
26 confidentiality of medical records.

1 An individual licensed under this Act and affected under  
2 this Section shall be afforded an opportunity to demonstrate  
3 to the Department that ~~he or she can resume practice~~ may resume  
4 in compliance with acceptable and prevailing standards under  
5 the provisions of the ~~his or her~~ license.

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

7 (225 ILCS 430/17) (from Ch. 111, par. 2418)

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

9 Sec. 17. Investigations; notice and hearing. The  
10 Department may investigate the actions of any applicant or any  
11 person or persons rendering or offering to render detection of  
12 deception services or any person holding or claiming to hold a  
13 license as a licensed examiner. The Department shall, before  
14 refusing to issue or renew a license or to discipline a  
15 licensee under Section 14, at least 30 days prior to the date  
16 set for the hearing, (i) notify the accused in writing of the  
17 charges made and the time and place for the hearing on the  
18 charges, (ii) direct the accused ~~him or her~~ to file a written  
19 answer with the Department under oath within 20 days after the  
20 service of the notice, and (iii) inform the accused ~~applicant~~  
21 ~~or licensee~~ that failure to file an answer will result in  
22 default. ~~being taken against the applicant or licensee.~~ At the  
23 time and place fixed in the notice, the Department shall  
24 proceed to hear the charges and the parties or their counsel  
25 shall be accorded ample opportunity to present any pertinent

1 statements, testimony, evidence, and arguments. The Department  
2 may continue the hearing from time to time. In case the accused  
3 ~~person~~, after receiving the notice, fails to file an answer,  
4 the ~~his or her~~ license, may, in the discretion of the  
5 Department, be revoked, suspended, placed on probationary  
6 status, or the Department may take whatever disciplinary  
7 action considered proper, including limiting the scope,  
8 nature, or extent of the accused's ~~person's~~ practice or the  
9 imposition of a fine, without a hearing, if the act or acts  
10 charged constitute sufficient grounds for that action under  
11 the Act. The written notice may be served by email, by personal  
12 delivery, or by mail to the accused's address of record.

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

14 (225 ILCS 430/19) (from Ch. 111, par. 2420)

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

16 Sec. 19. Subpoenas; depositions; oaths.

17 (a) The Department may subpoena and bring before it any  
18 person to take the oral or written testimony or compel the  
19 production of any books, papers, records, or any other  
20 documents that the Secretary or Secretary's ~~his or her~~  
21 designee deems relevant or material to any investigation or  
22 hearing conducted by the Department with the same fees and in  
23 the same manner as prescribed in civil cases in the courts of  
24 this State.

25 (b) Any circuit court, upon the application of the

1 licensee or the Department, may order the attendance and  
2 testimony of witnesses and the production of relevant  
3 documents, files, records, books, and papers in connection  
4 with any hearing or investigation. The circuit court may  
5 compel obedience to its order by proceedings for contempt.

6 (c) The Secretary, the hearing officer, any member of the  
7 Board, or a certified shorthand court reporter may administer  
8 oaths at any hearing the Department conducts. Notwithstanding  
9 any other statute or Department rule to the contrary, all  
10 requests for testimony, production of documents, or records  
11 shall be in accordance with this Act.

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

13 (225 ILCS 430/26.1) (from Ch. 111, par. 2427.1)

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

15 Sec. 26.1. 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 unlicensed practice or  
22 practice on a nonrenewed license. The Department shall notify  
23 the person that payment of fees and fines shall be paid to the  
24 Department by certified check or money order within 30  
25 calendar days of the notification. If, after the expiration of

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

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

15 (225 ILCS 430/30) (from Ch. 111, par. 2431)

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

17 Sec. 30. An applicant who is an examiner ~~Examiner~~,  
18 licensed under the laws of another state or territory of the  
19 United States, or an examiner who has been trained under the  
20 training standards determined by the federal government, may  
21 be issued a license by the Department, in its discretion, upon  
22 payment of a fee as set by rule, and the production of:

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

25 (b) satisfactory proof that the requirements for the

1       licensing of examiner ~~Examiners~~ in such particular state  
2       or territory of the United States were, at the date of  
3       licensing, substantially equivalent to the requirements  
4       then in force in this State; or

5               (c) certification, if applicable, that the applicant  
6       has successfully completed the Defense Academy for  
7       Credibility Assessment course, or its predecessor or  
8       successor course.

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

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

13               (225 ILCS 441/1-10)

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

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

17               "Address of record" means the designated street address,  
18       which may not be a post office box, recorded by the Department  
19       in the applicant's or licensee's application file or license  
20       file as maintained by the Department.

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

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

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

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

7 "Home inspection" means the examination and evaluation of  
8 the exterior and interior components of residential real  
9 property, which includes the inspection of any 2 or more of the  
10 following components of residential real property in  
11 connection with or to facilitate the sale, lease, or other  
12 conveyance of, or the proposed sale, lease or other conveyance  
13 of, residential real property:

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

15 (2) plumbing system;

16 (3) electrical system;

17 (4) structural composition;

18 (5) foundation;

19 (6) roof;

20 (7) masonry structure; or

21 (8) any other residential real property component as  
22 established by rule.

23 "Home inspector" means a person or entity who, for another  
24 and for compensation either direct or indirect, performs home  
25 inspections.

26 "Home inspector entity" means any corporation,

1 partnership, or limited liability company that provides home  
2 inspection services.

3 "Home inspection report" or "inspection report" means a  
4 written evaluation prepared and issued by a home inspector  
5 upon completion of a home inspection, which meets the  
6 standards of practice as established by the Department.

7 "Inspection assignment" means an engagement for which a  
8 home inspector is employed or retained to conduct a home  
9 inspection and prepare a home inspection report.

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

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

14 "Person" means individuals, entities, corporations,  
15 limited liability companies, registered limited liability  
16 partnerships, and partnerships, foreign or domestic, except  
17 that when the context otherwise requires, the term may refer  
18 to a single individual or other described entity.

19 "Residential real property" means real property that is  
20 used or intended to be used as a residence by one or more  
21 individuals.

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

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

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

2 (225 ILCS 441/5-5)

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

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

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

14 (b) It is unlawful for any person, other than a person who  
15 holds a valid home inspector license issued pursuant to this  
16 Act, to use the title "home inspector" or any other title,  
17 designation, or abbreviation likely to create the impression  
18 that the person is licensed as a home inspector pursuant to  
19 this Act. A person who violates this subsection is guilty of a  
20 Class A misdemeanor.

21 (c) The licensing requirements of this Article do not  
22 apply to:

23 (1) any person who is employed as a code enforcement  
24 official by the State of Illinois or any unit of local  
25 government, while acting within the scope of that

1 government employment;

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

5 (3) any person engaged by the owner or lessor of  
6 residential real property for the purpose of preparing a  
7 bid or estimate as to the work necessary or the costs  
8 associated with performing home construction, home  
9 remodeling, or home repair work on the residential real  
10 property, provided such person does not advertise or hold  
11 oneself out as engaged in business as a home inspector.

12 (d) The licensing of home inspector entities required  
13 under this Act does not apply to an entity whose ownership  
14 structure is one licensed home inspector operating either (1)  
15 a sole proprietorship, a single member limited liability  
16 company, or a single shareholder corporation, or (2) a limited  
17 liability company, corporation, or partnership co-owned solely  
18 with the home inspector's unlicensed spouse. and that The home  
19 inspector owner or operator shall be is the only licensee  
20 licensed home inspector performing inspections on the entity's  
21 behalf and the. The licensed home inspector who is the sole  
22 proprietor, sole shareholder, or single member of the company  
23 or entity shall comply with all other provisions of this Act.  
24 (Source: P.A. 102-20, eff. 1-1-22.)

25 (225 ILCS 441/5-12)

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

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

7 Applicants have 3 years after the date of the application  
8 to complete the application process. If the process has not  
9 been completed within 3 years, the application shall be  
10 denied, the fee forfeited, and the applicant must reapply and  
11 meet the requirements in effect at the time of reapplication.

12 A corporation, limited liability company, partnership, or  
13 entity shall, as a condition of licensure, designate a  
14 managing licensed home inspector. The home inspector entity  
15 and the designated managing home inspector of that ~~any home~~  
16 ~~inspector~~ entity shall be responsible for the actions of all  
17 licensed and unlicensed employees, agents, and representatives  
18 of that home inspector entity that provides ~~while it is~~  
19 ~~providing~~ a home inspection or home inspection service. All  
20 other requirements for home inspector entities shall be  
21 established by rule.

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

23 (225 ILCS 441/5-16)

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

25 Sec. 5-16. Renewal of license.

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

6 (1) completing and submitting to the Department a  
7 renewal application in a manner prescribed by the  
8 Department;

9 (2) paying the required fees; and

10 (3) providing evidence of successful completion of the  
11 continuing education requirements through courses approved  
12 by the Department given by education providers licensed by  
13 the Department, as established by rule.

14 (b) A home inspector whose license under this Act has  
15 expired may renew the license for a period of 2 years following  
16 the expiration date by complying with the requirements of  
17 subparagraphs (1), (2), and (3) of subsection (a) of this  
18 Section and paying any late fees ~~penalties~~ established by  
19 rule.

20 (b-5) A home inspector whose license has been lapsed or  
21 expired for more than 2 years but less than 5 years may restore  
22 the license without examination by (i) applying to the  
23 Department, (ii) providing evidence of the successful  
24 completion of all hours of approved continuing education  
25 during the lapsed time 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 home inspector whose license has been expired for more than 5  
3 years shall be required to meet the requirements of a new  
4 license.

5 (c) Notwithstanding subsection (b), a home inspector whose  
6 license under this Act has expired may renew or restore the  
7 license without paying any lapsed renewal fees or late  
8 penalties and without completing the continuing education  
9 requirements for that licensure period if the license expired  
10 while the home inspector was (i) in federal service on active  
11 duty with the Armed Forces of the United States or called into  
12 service or training with the State Militia, (ii) in training  
13 or education under the supervision of the United States  
14 preliminary to induction into the military service, or (iii)  
15 serving as an employee of the Department and within 2 years  
16 after the termination of the service, training, or education,  
17 the licensee furnishes the Department with satisfactory  
18 evidence of service, training, or education and was terminated  
19 under honorable conditions.

20 (d) The Department shall provide reasonable care and due  
21 diligence to ensure that each licensee under this Act is  
22 provided a renewal application at least 90 days prior to the  
23 expiration date, but it is the responsibility of each licensee  
24 to renew the license prior to its expiration date.

25 (e) The Department shall not issue or renew a license if  
26 the applicant or licensee has an unpaid fine or fee from a

1 disciplinary matter or from a non-disciplinary action imposed  
2 by the Department until the fine or fee is paid to the  
3 Department or the applicant or licensee has entered into a  
4 payment plan and is current on the required payments.

5 (f) The Department shall not issue or renew a license if  
6 the applicant or licensee has an unpaid fine or civil penalty  
7 imposed by the Department for unlicensed practice until the  
8 fine or civil penalty is paid to the Department or the  
9 applicant or licensee has entered into a payment plan and is  
10 current on the required payments.

11 (g) A home inspector who notifies the Department, in a  
12 manner prescribed by the Department, may place the license on  
13 inactive status for a period not to exceed 2 years and shall be  
14 excused from the payment of renewal fees until the person  
15 notifies the Department in writing of the intention to resume  
16 active practice.

17 (h) A home inspector requesting that the license be  
18 changed from inactive to active status shall be required to  
19 pay the current renewal fee and shall also demonstrate  
20 compliance with the continuing education requirements.

21 (i) No licensee with a nonrenewed or inactive license  
22 status shall provide home inspection services as set forth in  
23 this Act.

24 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;  
25 103-236, eff. 1-1-24.)

1 (225 ILCS 441/5-20)

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

3 Sec. 5-20. Endorsement. The Department may, in its  
4 discretion, license as a home inspector, by endorsement, on  
5 payment of the required fee, and without the required  
6 examination, an applicant who is a home inspector licensed  
7 under the laws of another state or territory, if ~~(i)~~ the  
8 requirements for licensure in the state or territory in which  
9 the applicant was licensed were, at the date of licensure,  
10 substantially equivalent to the requirements in force in this  
11 State on that date. ~~or (ii) there were no requirements in force~~  
12 ~~in this State on the date of licensure and the applicant~~  
13 ~~possessed individual qualifications on that date that are~~  
14 ~~substantially similar to the requirements under this Act.~~ The  
15 Department may adopt any rules necessary to implement this  
16 Section.

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

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

23 (225 ILCS 441/15-10)

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

25 Sec. 15-10. Grounds for disciplinary action.

1           (a) The Department may refuse to issue or renew, or may  
2           revoke, suspend, place on probation, reprimand, or take other  
3           disciplinary or non-disciplinary action as the Department may  
4           deem appropriate, including imposing fines not to exceed  
5           \$25,000 for each violation upon any licensee or applicant  
6           under this Act or any person or entity who holds oneself out as  
7           an applicant or licensee, for any one or combination of the  
8           following:

9           (1) Fraud or misrepresentation in applying for, or  
10           procuring a license under this Act or in connection with  
11           applying for renewal of a license under this Act.

12           (2) Failing to meet the minimum qualifications for  
13           licensure as a home inspector established by this Act.

14           (3) Paying money, other than for the fees provided for  
15           by this Act, or anything of value to an employee of the  
16           Department to procure licensure under this Act.

17           (4) Conviction of, or plea of guilty or nolo  
18           contendere, or finding as enumerated in subsection (c) of  
19           Section 5-10, under the laws of any jurisdiction of the  
20           United States: (i) that is a felony, misdemeanor, or  
21           administrative sanction, or (ii) that is a crime that  
22           subjects the licensee to compliance with the requirements  
23           of the Sex Offender Registration Act.

24           (5) Committing an act or omission involving  
25           dishonesty, fraud, or misrepresentation with the intent to  
26           substantially benefit the licensee or another person or

1 with the intent to substantially injure another person.

2 (6) Violating a provision or standard for the  
3 development or communication of home inspections as  
4 provided in Section 10-5 of this Act or as defined in the  
5 rules.

6 (7) Failing or refusing to exercise reasonable  
7 diligence in the development, reporting, or communication  
8 of a home inspection report, as defined by this Act or the  
9 rules.

10 (8) Violating a provision of this Act or the rules.

11 (9) Having been disciplined by another state, the  
12 District of Columbia, a territory, a foreign nation, a  
13 governmental agency, or any other entity authorized to  
14 impose discipline if at least one of the grounds for that  
15 discipline is the same as or substantially equivalent to  
16 one of the grounds for which a licensee may be disciplined  
17 under this Act.

18 (10) Engaging in dishonorable, unethical, or  
19 unprofessional conduct of a character likely to deceive,  
20 defraud, or harm the public.

21 (11) Accepting an inspection assignment when the  
22 employment itself is contingent upon the home inspector  
23 reporting a predetermined analysis or opinion, or when the  
24 fee to be paid is contingent upon the analysis, opinion,  
25 or conclusion reached or upon the consequences resulting  
26 from the home inspection assignment.

1           (12) Developing home inspection opinions or  
2 conclusions based on the race, color, religion, sex,  
3 national origin, ancestry, age, marital status, family  
4 status, physical or mental disability, military status,  
5 unfavorable discharge from military status, sexual  
6 orientation, order of protection status, pregnancy, or any  
7 other protected class as defined under the Illinois Human  
8 Rights Act, of the prospective or present owners or  
9 occupants of the area or property under home inspection.

10           (13) Being adjudicated liable in a civil proceeding on  
11 grounds of fraud, misrepresentation, or deceit. In a  
12 disciplinary proceeding based upon a finding of civil  
13 liability, the home inspector shall be afforded an  
14 opportunity to present mitigating and extenuating  
15 circumstances, but may not collaterally attack the civil  
16 adjudication.

17           (14) Being adjudicated liable in a civil proceeding  
18 for violation of a State or federal fair housing law.

19           (15) Engaging in misleading or untruthful advertising  
20 or using a trade name or insignia of membership in a home  
21 inspection organization of which the licensee is not a  
22 member.

23           (16) Failing, within 30 days, to provide information  
24 in response to a written request made by the Department.

25           (17) Failing to include within the home inspection  
26 report the home inspector's license number and the date of

1 expiration of the license. The names of (i) all persons  
2 who conducted the home inspection; and (ii) all persons  
3 who prepared the subsequent written evaluation or any part  
4 thereof must be disclosed in the report. It is a violation  
5 of this Act for a home inspector to sign a home inspection  
6 report knowing that the names of all such persons have not  
7 been disclosed in the home inspection report.

8 (18) Advising a client as to whether the client should  
9 or should not engage in a transaction regarding the  
10 residential real property that is the subject of the home  
11 inspection.

12 (19) Performing a home inspection in a manner that  
13 damages or alters the residential real property that is  
14 the subject of the home inspection without the consent of  
15 the owner.

16 (20) Performing a home inspection when the home  
17 inspector is providing or may also provide other services  
18 in connection with the residential real property or  
19 transaction, or has an interest in the residential real  
20 property, without providing prior written notice of the  
21 potential or actual conflict and obtaining the prior  
22 consent of the client as provided by rule.

23 (21) Aiding or assisting another person in violating  
24 any provision of this Act or rules adopted under this Act.

25 (22) Inability to practice with reasonable judgment,  
26 skill, or safety as a result of habitual or excessive use

1 or addiction to alcohol, narcotics, stimulants, or any  
2 other chemical agent or drug, which may result in  
3 significant harm to the public.

4 (23) A finding by the Department that the licensee,  
5 after having the license placed on probationary status,  
6 has violated the terms of probation.

7 (24) Willfully making or filing false records or  
8 reports related to the practice of home inspection,  
9 including, but not limited to, false records filed with  
10 State agencies or departments.

11 (25) Charging for professional services not rendered,  
12 including filing false statements for the collection of  
13 fees for which services are not rendered.

14 (26) Practicing under a false or, except as provided  
15 by law, an assumed name.

16 (27) Cheating on or attempting to subvert the  
17 licensing examination administered under this Act.

18 (28) Engaging in any of the following prohibited  
19 fraudulent, false, deceptive, or misleading advertising  
20 practices:

21 (i) advertising as a home inspector or operating a  
22 home inspection business entity unless there is a duly  
23 licensed home inspector responsible for all inspection  
24 activities and all inspections;

25 (ii) advertising that contains a misrepresentation  
26 of facts or false statements regarding the licensee's

1 professional achievements, degrees, training, skills,  
2 or qualifications in the home inspection profession or  
3 any other profession requiring licensure;

4 (iii) advertising that makes only a partial  
5 disclosure of relevant facts related to pricing or  
6 home inspection services; and

7 (iv) advertising that claims this State or any of  
8 its political subdivisions endorse the home inspection  
9 report or its contents.

10 (29) Disclosing, except as otherwise required by law,  
11 inspection results or client information obtained without  
12 the client's written consent. A home inspector shall not  
13 deliver a home inspection report to any person other than  
14 the client of the home inspector without the client's  
15 written consent.

16 (30) Providing fees, gifts, waivers of liability, or  
17 other forms of compensation or gratuities to persons  
18 licensed under any real estate professional licensing Act  
19 ~~act~~ in this State as consideration or inducement for the  
20 referral of business.

21 (31) Violating the terms of any order issued by the  
22 Department.

23 (b) The Department may suspend, revoke, or refuse to issue  
24 or renew an education provider's license, may reprimand, place  
25 on probation, or otherwise discipline an education provider  
26 licensee, and may suspend or revoke the course approval of any

1 course offered by an education provider, for any of the  
2 following:

3 (1) Procuring or attempting to procure licensure by  
4 knowingly making a false statement, submitting false  
5 information, making any form of fraud or  
6 misrepresentation, or refusing to provide complete  
7 information in response to a question in an application  
8 for licensure.

9 (2) Failing to comply with the covenants certified to  
10 on the application for licensure as an education provider.

11 (3) Committing an act or omission involving  
12 dishonesty, fraud, or misrepresentation or allowing any  
13 such act or omission by any employee or contractor under  
14 the control of the education provider.

15 (4) Engaging in misleading or untruthful advertising.

16 (5) Failing to retain competent instructors in  
17 accordance with rules adopted under this Act.

18 (6) Failing to meet the topic or time requirements for  
19 course approval as the provider of a pre-license  
20 curriculum course or a continuing education course.

21 (7) Failing to administer an approved course using the  
22 course materials, syllabus, and examinations submitted as  
23 the basis of the course approval.

24 (8) Failing to provide an appropriate classroom  
25 environment for presentation of courses, with  
26 consideration for student comfort, acoustics, lighting,

1 seating, workspace, and visual aid material.

2 (9) Failing to maintain student records in compliance  
3 with the rules adopted under this Act.

4 (10) Failing to provide a certificate, transcript, or  
5 other student record to the Department or to a student as  
6 may be required by rule.

7 (11) Failing to fully cooperate with a Department  
8 investigation by knowingly making a false statement,  
9 submitting false or misleading information, or refusing to  
10 provide complete information in response to written  
11 interrogatories or a written request for documentation  
12 within 30 days of the request.

13 (c) (Blank).

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

24 (e) (Blank).

25 (f) In cases where the Department of Healthcare and Family  
26 Services has previously determined that a licensee or a

1 potential licensee is more than 30 days delinquent in the  
2 payment of child support and has subsequently certified the  
3 delinquency to the Department, the Department may refuse to  
4 issue or renew or may revoke or suspend that person's license  
5 or may take other disciplinary action against that person  
6 based solely upon the certification of delinquency made by the  
7 Department of Healthcare and Family Services in accordance  
8 with item (5) of subsection (a) of Section 2105-15 of the Civil  
9 Administrative Code of Illinois.

10 (g) The determination by a circuit court that a licensee  
11 is subject to involuntary admission or judicial admission, as  
12 provided in the Mental Health and Developmental Disabilities  
13 Code, operates as an automatic suspension. The suspension will  
14 end only upon a finding by a court that the patient is no  
15 longer subject to involuntary admission or judicial admission  
16 and the issuance of a court order so finding and discharging  
17 the patient.

18 (h) (Blank).

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

1 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24;  
2 revised 6-25-25.)

3 (225 ILCS 441/15-10.1)

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

5 Sec. 15-10.1. 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 shall contain the licensee's name, the licensee's  
11 address, the licensee's license number, the number of required  
12 hours of continuing education that have not been successfully  
13 completed on or before ~~by the licensee's license within the~~  
14 renewal deadline ~~period~~, and the penalty imposed, which shall  
15 not exceed \$2,000. The issuance of a citation shall not excuse  
16 the licensee from completing all continuing education required  
17 for that term of licensure ~~renewal period~~.

18 (b) Service of a citation shall be made in person,  
19 electronically, or by mail to the licensee at the licensee's  
20 address of record or email address of record, and the citation  
21 must clearly state that if the cited licensee wishes to  
22 dispute the citation, the cited licensee may make a written  
23 request, within 30 days after the citation is served, for a  
24 hearing before the Department. If the cited licensee does not  
25 request a hearing within 30 days after the citation is served,

1 then ~~the citation shall become~~ a final, non-disciplinary order  
2 shall be entered, and any fine imposed is due and payable  
3 within 30 ~~60~~ days after the entry of that final order. If the  
4 cited licensee requests a hearing within 30 days after the  
5 citation is served, the Department shall afford the cited  
6 licensee a hearing conducted in the same manner as a hearing  
7 provided for in this Act for any violation of this Act and  
8 shall determine whether the cited licensee committed the  
9 violation as charged and whether the fine as levied is  
10 warranted. If the violation is found, any fine shall  
11 constitute non-public discipline and be due and payable within  
12 30 days after the order of the Secretary, which shall  
13 constitute a final order of the Department. No change in  
14 license status may be made by the Department until a final  
15 order of the Department has been issued.

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

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

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

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

2 Sec. 15-11. Illegal discrimination.

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

16 (b) When there has been an order in an administrative  
17 proceeding finding that a licensee has illegally discriminated  
18 while engaged in any activity for which a license is required  
19 under this Act, the Department, following the provision of  
20 notice to the licensee and a hearing conducted in accordance  
21 with Section 15-15 and upon the determination by the Secretary  
22 as to the nature and extent of the discipline, shall take one  
23 or more of the disciplinary actions provided for in Section  
24 15-10 of this Act in a timely manner, unless the  
25 administrative order is in the appeal process. The finding of  
26 the administrative order is a matter of record and the merits

1 of the finding shall not be challenged in a request for a  
2 hearing by the licensee.

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

4 (225 ILCS 441/15-15)

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

6 Sec. 15-15. Investigation; notice; hearing. The Department  
7 may investigate the actions of any person who is an applicant,  
8 licensee, person or persons rendering or offering to render  
9 home inspection services, or any person holding or claiming to  
10 hold a license as a home inspector. The Department shall,  
11 before refusing to issue or renew a license or to discipline a  
12 person pursuant to Section 15-10, at least 30 days prior to the  
13 date set for the hearing, (i) notify the person charged in  
14 writing and the person's managing licensed home inspector, if  
15 any, of the charges made and the time and place for the hearing  
16 on the charges, (ii) direct the person to file a written answer  
17 with the Department under oath within 20 days after the  
18 service of the notice, and (iii) inform the person that  
19 failure to file an answer will result in a default entered  
20 against the person. At the time and place fixed in the notice,  
21 the Department shall proceed to hear the charges and the  
22 parties or ~~of~~ their counsel shall be accorded ample  
23 opportunity to present any pertinent statements, testimony,  
24 evidence, and arguments. The Department may continue the  
25 hearing from time to time. In case the person, after receiving

1 the notice, fails to file an answer, the license~~r~~ may, in the  
2 discretion of the Department, be revoked, suspended, placed on  
3 probationary status, or the Department may take whatever  
4 disciplinary actions considered proper, including limiting the  
5 scope, nature, or extent of the person's practice or the  
6 imposition of a fine, without a hearing, if the act or acts  
7 charged constitute sufficient grounds for that action under  
8 the Act. The notice may be served by mail, or, at the  
9 discretion of the Department, by electronic means to the  
10 address of record or email address of record specified by the  
11 person as last updated with the Department.

12 The Secretary shall have the authority to appoint an  
13 attorney duly licensed to practice law in the State of  
14 Illinois to serve as the hearing officer in any action to  
15 suspend, revoke, or otherwise discipline any license issued by  
16 the Department. The hearing officer shall have full authority  
17 to conduct the hearing.

18 A copy of the hearing officer's report or any Order of  
19 Default, along with a copy of the original or amended  
20 complaint giving rise to the action, shall be served upon the  
21 person by the Department in the manner provided in this Act for  
22 the service of a notice of hearing. Within 20 days after  
23 service, the person may present to the Department a motion in  
24 writing for a rehearing, which shall specify the particular  
25 grounds for rehearing. If the person orders from the reporting  
26 service and pays for a transcript of the record within the time

1 for filing a motion for rehearing, then the 20-day period  
2 during which a motion may be filed shall commence upon the  
3 delivery of the transcript to the applicant or licensee. The  
4 Department may respond to the motion, or if a motion for  
5 rehearing is denied, then upon denial, the Secretary may enter  
6 an order in accordance with the recommendations of the hearing  
7 officer. If the Secretary disagrees in any regard with the  
8 report of the hearing officer, the Secretary may issue an  
9 order in contravention thereof. A copy of the Department's  
10 final disciplinary order shall be delivered to the person and  
11 the person's managing home inspector, if any.

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

13 Section 45. The Real Estate Appraiser Licensing Act of  
14 2002 is amended by changing Sections 1-10, 5-25, 5-30, 15-10,  
15 15-10.1, 15-11, 15-15, and 25-10 as follows:

16 (225 ILCS 458/1-10)

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

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

20 "Accredited college or university, junior college, or  
21 community college" means a college or university, junior  
22 college, or community college that is approved or accredited  
23 by the Board of Higher Education, a regional or national  
24 accreditation association, or by an accrediting agency that is

1 recognized by the U.S. Secretary of Education.

2 "Address of record" means the designated street address,  
3 which may not be a post office box, recorded by the Department  
4 in the applicant's or licensee's application file or license  
5 file as maintained by the Department.

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

8 "Appraisal" means (noun) the act or process of developing  
9 an opinion of value; an opinion of value (adjective) of or  
10 pertaining to appraising and related functions, such as  
11 appraisal practice or appraisal services.

12 "Appraisal assignment" means a valuation service provided  
13 pursuant to an agreement between an appraiser and a client.

14 "Appraisal firm" means an appraisal entity that is 100%  
15 owned and controlled by a person or persons licensed in  
16 Illinois as a certified general real estate appraiser or a  
17 certified residential real estate appraiser. "Appraisal firm"  
18 does not include an appraisal management company.

19 "Appraisal management company" means any corporation,  
20 limited liability company, partnership, sole proprietorship,  
21 subsidiary, unit, or other business entity that directly or  
22 indirectly: (1) provides appraisal management services to  
23 creditors or secondary mortgage market participants, including  
24 affiliates; (2) provides appraisal management services in  
25 connection with valuing the consumer's principal dwelling as  
26 security for a consumer credit transaction (including consumer

1 credit transactions incorporated into securitizations); and  
2 (3) any appraisal management company that, within a given  
3 12-month period, oversees an appraiser panel of 16 or more  
4 State-certified appraisers in Illinois or 25 or more  
5 State-certified or State-licensed appraisers in 2 or more  
6 jurisdictions. "Appraisal management company" includes a  
7 hybrid entity.

8 "Appraisal practice" means valuation services performed by  
9 an individual acting as an appraiser, including, but not  
10 limited to, appraisal or appraisal review.

11 "Appraisal qualification board (AQB)" means the  
12 independent board of the Appraisal Foundation, which, under  
13 the provisions of Title XI of the Financial Institutions  
14 Reform, Recovery, and Enforcement Act of 1989, establishes the  
15 minimum education, experience, and examination requirements  
16 for real property appraisers to obtain a state certification  
17 or license.

18 "Appraisal report" means any communication, written or  
19 oral, of an appraisal or appraisal review that is transmitted  
20 to a client upon completion of an assignment.

21 "Appraisal review" means the act or process of developing  
22 and communicating an opinion about the quality of another  
23 appraiser's work that was performed as part of an appraisal,  
24 appraisal review, or appraisal assignment.

25 "Appraisal Subcommittee" means the Appraisal Subcommittee  
26 of the Federal Financial Institutions Examination Council as

1 established by Title XI.

2 "Appraiser" means a person who performs real estate or  
3 real property appraisals competently and in a manner that is  
4 independent, impartial, and objective.

5 "Appraiser panel" means a network, list, or roster of  
6 licensed or certified appraisers approved by the appraisal  
7 management company or by the ~~end-user~~ client to perform  
8 appraisals as independent contractors for the appraisal  
9 management company. "Appraiser panel" includes both appraisers  
10 accepted by an appraisal management company for consideration  
11 for future appraisal assignments and appraisers engaged by an  
12 appraisal management company to perform one or more  
13 appraisals. For the purposes of determining the size of an  
14 appraiser panel, only independent contractors of hybrid  
15 entities shall be counted towards the appraiser panel.

16 "Associate real estate trainee appraiser" means an  
17 entry-level appraiser who holds a license of this  
18 classification under this Act with restrictions as to the  
19 scope of practice in accordance with this Act.

20 "Automated valuation model" means an automated system that  
21 is used to derive a property value through the use of available  
22 property records and various analytic methodologies such as  
23 comparable sales prices, home characteristics, and price  
24 changes.

25 "Board" means the Real Estate Appraisal Administration and  
26 Disciplinary Board.

1 "Broker price opinion" means an estimate or analysis of  
2 the probable selling price of a particular interest in real  
3 estate, which may provide a varying level of detail about the  
4 property's condition, market, and neighborhood and information  
5 on comparable sales. The activities of a real estate broker or  
6 managing broker engaging in the ordinary course of business as  
7 a broker, as defined in this Section, shall not be considered a  
8 broker price opinion if no compensation is paid to the broker  
9 or managing broker, other than compensation based upon the  
10 sale or rental of real estate.

11 "Classroom hour" means 50 minutes of instruction out of  
12 each 60-minute segment of coursework.

13 "Client" means the party or parties who engage an  
14 appraiser by employment or contract in a specific appraisal  
15 assignment.

16 "Comparative market analysis" is an analysis or opinion  
17 regarding pricing, marketing, or financial aspects relating to  
18 a specified interest or interests in real estate that may be  
19 based upon an analysis of comparative market data, the  
20 expertise of the real estate broker or managing broker, and  
21 such other factors as the broker or managing broker may deem  
22 appropriate in developing or preparing such analysis or  
23 opinion. The activities of a real estate broker or managing  
24 broker engaging in the ordinary course of business as a  
25 broker, as defined in this Section, shall not be considered a  
26 comparative market analysis if no compensation is paid to the

1 broker or managing broker, other than compensation based upon  
2 the sale or rental of real estate.

3 "Coordinator" means the Real Estate Appraisal Coordinator  
4 created in Section 25-15.

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

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.

11 "Evaluation" means a valuation permitted by the appraisal  
12 regulations of the Federal Financial Institutions Examination  
13 Council and its federal agencies for transactions that qualify  
14 for the appraisal threshold exemption, business loan  
15 exemption, or subsequent transaction exemption.

16 "Federal financial institutions regulatory agencies" means  
17 the Board of Governors of the Federal Reserve System, the  
18 Federal Deposit Insurance Corporation, the Office of the  
19 Comptroller of the Currency, the Consumer Financial Protection  
20 Bureau, and the National Credit Union Administration.

21 "Federally related transaction" means any real  
22 estate-related financial transaction in which a federal  
23 financial institutions regulatory agency engages in, contracts  
24 for, or regulates and requires the services of an appraiser.

25 "Financial institution" means any bank, savings bank,  
26 savings and loan association, credit union, mortgage broker,

1 mortgage banker, licensee under the Consumer Installment Loan  
2 Act or the Sales Finance Agency Act, or a corporate fiduciary,  
3 subsidiary, affiliate, parent company, or holding company of  
4 any such licensee, or any institution involved in real estate  
5 financing that is regulated by state or federal law.

6 "Hybrid entity" means an appraisal management company that  
7 hires an appraiser as an employee to perform an appraisal and  
8 engages an independent contractor to perform an appraisal.

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

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

13 "Multi-state licensing system" means a web-based platform  
14 that allows an applicant to submit the application or license  
15 renewal application to the Department online.

16 "Person" means an individual, entity, sole proprietorship,  
17 corporation, limited liability company, partnership, and joint  
18 venture, foreign or domestic, except that when the context  
19 otherwise requires, the term may refer to more than one  
20 individual or other described entity.

21 "Real estate" means an identified parcel or tract of land,  
22 including any improvements.

23 "Real estate related financial transaction" means any  
24 transaction involving:

25 (1) the sale, lease, purchase, investment in, or  
26 exchange of real property, including interests in property

1 or the financing thereof;

2 (2) the refinancing of real property or interests in  
3 real property; and

4 (3) the use of real property or interest in property  
5 as security for a loan or investment, including mortgage  
6 backed securities.

7 "Real property" means the interests, benefits, and rights  
8 inherent in the ownership of real estate.

9 "Secretary" means the Secretary of Financial and  
10 Professional Regulation or the Secretary's designee.

11 "State certified general real estate appraiser" means an  
12 appraiser who holds a license of this classification under  
13 this Act and such classification applies to the appraisal of  
14 all types of real property without restrictions as to the  
15 scope of practice.

16 "State certified residential real estate appraiser" means  
17 an appraiser who holds a license of this classification under  
18 this Act and such classification applies to the appraisal of  
19 one to 4 units of residential real property without regard to  
20 transaction value or complexity, but with restrictions as to  
21 the scope of practice in a federally related transaction in  
22 accordance with Title XI, the provisions of USPAP, criteria  
23 established by the AQB, and further defined by rule.

24 "Supervising appraiser" means either (i) an appraiser who  
25 holds a valid license under this Act as either a State  
26 certified general real estate appraiser or a State certified

1 residential real estate appraiser, who co-signs an appraisal  
2 report for an associate real estate trainee appraiser or (ii)  
3 a State certified general real estate appraiser who holds a  
4 valid license under this Act who co-signs an appraisal report  
5 for a State certified residential real estate appraiser on  
6 properties other than one to 4 units of residential real  
7 property without regard to transaction value or complexity.

8 "Title XI" means Title XI of the federal Financial  
9 Institutions Reform, Recovery, and Enforcement Act of 1989.

10 "USPAP" means the Uniform Standards of Professional  
11 Appraisal Practice as promulgated by the Appraisal Standards  
12 Board pursuant to Title XI and by rule.

13 "Valuation services" means services pertaining to aspects  
14 of property value.

15 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;  
16 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

17 (225 ILCS 458/5-25)

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

19 Sec. 5-25. Renewal of license.

20 (a) The expiration date and renewal period for a State  
21 certified general real estate appraiser license or a State  
22 certified residential real estate appraiser license issued  
23 under this Act shall be set by rule. Except as otherwise  
24 provided in subsections (b) and (f) of this Section, the  
25 holder of a license may renew the license within 90 days

1 preceding the expiration date by:

2 (1) completing and submitting to the Department, or  
3 through a multi-state licensing system as designated by  
4 the Secretary, a renewal application form as provided by  
5 the Department;

6 (2) paying the required fees; and

7 (3) providing evidence to the Department, or through a  
8 multi-state licensing system as designated by the  
9 Secretary, of successful completion of the continuing  
10 education requirements through courses approved by the  
11 Department from education providers licensed by the  
12 Department, as established by the AQB and by rule.

13 (b) A State certified general real estate appraiser or  
14 State certified residential real estate appraiser whose  
15 license under this Act has expired may renew the license for a  
16 period of 2 years following the expiration date by complying  
17 with the requirements of paragraphs (1), (2), and (3) of  
18 subsection (a) of this Section and paying any late penalties  
19 established by rule.

20 (c) (Blank).

21 (d) The expiration date and renewal period for an  
22 associate real estate trainee appraiser license issued under  
23 this Act shall be set by rule. Except as otherwise provided in  
24 subsections (e) and (f) of this Section, the holder of an  
25 associate real estate trainee appraiser license may renew the  
26 license within 90 days preceding the expiration date by:

1           (1) completing and submitting to the Department, or  
2           through a multi-state licensing system as designated by  
3           the Secretary, a renewal application form as provided by  
4           the Department;

5           (2) paying the required fees; and

6           (3) providing evidence to the Department, or through a  
7           multi-state licensing system as designated by the  
8           Secretary, of successful completion of the continuing  
9           education requirements through courses approved by the  
10          Department from education providers approved by the  
11          Department, as established by rule.

12          (e) Any associate real estate trainee appraiser whose  
13          license under this Act has expired may renew the license for a  
14          period of 2 years following the expiration date by complying  
15          with the requirements of paragraphs (1), (2), and (3) of  
16          subsection (d) of this Section and paying any late penalties  
17          as established by rule.

18          (f) Notwithstanding subsections (b) ~~(e)~~ and (e), an  
19          appraiser whose license under this Act has expired may renew  
20          or convert the license without paying any lapsed renewal fees  
21          or late penalties if the license expired while the appraiser  
22          was:

23                 (1) on active duty with the United States Armed  
24                 Services;

25                 (2) serving as the Coordinator or an employee of the  
26                 Department who was required to surrender the license

1           during the term of employment.

2           Application for renewal must be made within 2 years  
3 following the termination of the military service or related  
4 education, training, or employment and shall include an  
5 affidavit from the licensee of engagement.

6           (g) The Department shall provide reasonable care and due  
7 diligence to ensure that each licensee under this Act is  
8 provided with a renewal application at least 90 days prior to  
9 the expiration date, but timely renewal or conversion of the  
10 license prior to its expiration date is the responsibility of  
11 the licensee.

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

18           (i) The Department shall not issue or renew a license if  
19 the applicant or licensee has an unpaid fine or civil penalty  
20 imposed by the Department for unlicensed practice until the  
21 fine or civil penalty is paid to the Department or the  
22 applicant or licensee has entered into a payment plan and is  
23 current on the required payments.

24           (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;  
25 103-236, eff. 1-1-24.)

1 (225 ILCS 458/5-30)

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

3 Sec. 5-30. Endorsement. The Department may issue an  
4 appraiser license, without the required examination, to an  
5 applicant licensed by another state, territory, possession of  
6 the United States, or the District of Columbia, if (i) the  
7 licensing requirements of that licensing authority are, on the  
8 date of licensure, substantially equal to the requirements set  
9 forth under this Act or to a person who, at the time of the  
10 application, possessed individual qualifications that were  
11 substantially equivalent to the requirements of this Act and  
12 ~~or~~ (ii) the applicant provides the Department with evidence of  
13 good standing from the Appraisal Subcommittee National  
14 Registry report and a criminal history records check in  
15 accordance with Section 5-22. An applicant under this Section  
16 shall pay all of the required fees.

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

18 (225 ILCS 458/15-10)

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

20 Sec. 15-10. Grounds for disciplinary action.

21 (a) The Department may suspend, revoke, refuse to issue,  
22 renew, or restore a license and may reprimand, place on  
23 probation or administrative supervision, or take any  
24 disciplinary or non-disciplinary action, including imposing  
25 conditions limiting the scope, nature, or extent of the real

1 estate appraisal practice of a licensee or reducing the  
2 appraisal rank of a licensee, and may impose an administrative  
3 fine not to exceed \$25,000 for each violation upon a licensee  
4 or applicant under this Act or any person who holds oneself out  
5 as an applicant or licensee for any one or combination of the  
6 following:

7 (1) Procuring or attempting to procure a license by  
8 knowingly making a false statement, submitting false  
9 information, engaging in any form of fraud or  
10 misrepresentation, or refusing to provide complete  
11 information in response to a question in an application  
12 for licensure.

13 (2) Failing to meet the minimum qualifications for  
14 licensure as an appraiser established by this Act.

15 (3) Paying money, other than for the fees provided for  
16 by this Act, or anything of value to a member or employee  
17 of the Board or the Department to procure licensure under  
18 this Act.

19 (4) Conviction of, or plea of guilty or nolo  
20 contendere, as enumerated in subsection (e) of Section  
21 5-22, under the laws of any jurisdiction of the United  
22 States to: (i) ~~that is~~ a felony, misdemeanor, or  
23 administrative sanction or (ii) ~~that is~~ a crime that  
24 subjects the licensee to compliance with the requirements  
25 of the Sex Offender Registration Act.

26 (5) Committing an act or omission involving

1           dishonesty, fraud, or misrepresentation with the intent to  
2           substantially benefit the licensee or another person or  
3           with intent to substantially injure another person as  
4           defined by rule.

5           (6) Violating a provision or standard for the  
6           development or communication of real estate appraisals as  
7           provided in Section 10-10 of this Act or as defined by  
8           rule.

9           (7) Failing or refusing without good cause to exercise  
10          reasonable diligence in developing, reporting, or  
11          communicating an appraisal, as defined by this Act or by  
12          rule.

13          (8) Violating a provision of this Act or the rules  
14          adopted pursuant to this Act.

15          (9) Having been disciplined by another state, the  
16          District of Columbia, a territory, a foreign nation, a  
17          governmental agency, or any other entity authorized to  
18          impose discipline if at least one of the grounds for that  
19          discipline is the same as or the equivalent of one of the  
20          grounds for which a licensee may be disciplined under this  
21          Act.

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

25          (11) Accepting an appraisal assignment when the  
26          employment itself is contingent upon the appraiser

1 reporting a predetermined estimate, analysis, or opinion  
2 or when the fee to be paid is contingent upon the opinion,  
3 conclusion, or valuation reached or upon the consequences  
4 resulting from the appraisal assignment.

5 (12) Developing valuation conclusions based on the  
6 race, color, religion, sex, national origin, ancestry,  
7 age, marital status, family status, physical or mental  
8 disability, sexual orientation, pregnancy, order of  
9 protection status, military status, unfavorable military  
10 discharge, source of income, or any other protected class,  
11 as defined under the Illinois Human Rights Act, of the  
12 prospective or present owners or occupants of the area or  
13 property under appraisal.

14 (13) Violating the confidential nature of government  
15 records to which the licensee gained access through  
16 employment or engagement as an appraiser by a governmental  
17 ~~government~~ agency.

18 (14) Being adjudicated liable in a civil proceeding on  
19 grounds of fraud, misrepresentation, or deceit. In a  
20 disciplinary proceeding based upon a finding of civil  
21 liability, the appraiser shall be afforded an opportunity  
22 to present mitigating and extenuating circumstances, but  
23 may not collaterally attack the civil adjudication.

24 (15) Being adjudicated liable in a civil proceeding  
25 for violation of a state or federal fair housing law.

26 (16) Engaging in misleading or untruthful advertising

1 or using a trade name or insignia of membership in a real  
2 estate appraisal or real estate organization of which the  
3 licensee is not a member.

4 (17) Failing to fully cooperate with a Department  
5 investigation by knowingly making a false statement,  
6 submitting false or misleading information, or refusing to  
7 provide complete information in response to written  
8 interrogatories or a written request for documentation  
9 within 30 days of the request.

10 (18) Failing to include within the certificate of  
11 appraisal for all written appraisal reports the  
12 appraiser's license number and licensure title. All  
13 appraisers providing significant contribution to the  
14 development and reporting of an appraisal must be  
15 disclosed in the appraisal report. It is a violation of  
16 this Act for an appraiser to sign a report, transmittal  
17 letter, or appraisal certification knowing that a person  
18 providing a significant contribution to the report has not  
19 been disclosed in the appraisal report.

20 (19) Violating the terms of a disciplinary order or  
21 Consent ~~consent~~ to Administrative Supervision  
22 ~~administrative supervision~~ order.

23 (20) Habitual or excessive use or addiction to  
24 alcohol, narcotics, stimulants, or any other chemical  
25 agent or drug that results in a licensee's inability to  
26 practice with reasonable judgment, skill, or safety that

1       may result in significant harm to the public.

2           (21) A physical or mental illness or disability which  
3 results in the inability to practice under this Act with  
4 reasonable judgment, skill, or safety.

5           (22) Gross negligence in developing an appraisal or in  
6 communicating an appraisal or failing to observe one or  
7 more of the Uniform Standards of Professional Appraisal  
8 Practice.

9           (23) A pattern of practice or other behavior that  
10 demonstrates incapacity or incompetence to practice under  
11 this Act.

12           (24) Using or attempting to use the seal, certificate,  
13 or license of another as one's own; falsely impersonating  
14 any duly licensed appraiser; using or attempting to use an  
15 inactive, expired, suspended, or revoked license; or  
16 aiding or abetting any of the foregoing.

17           (25) Solicitation of professional services by using  
18 false, misleading, or deceptive advertising.

19           (26) Making a material misstatement in furnishing  
20 information to the Department.

21           (27) Failure to furnish information to the Department  
22 upon written request.

23           (b) The Department may reprimand, suspend, revoke, or  
24 refuse to issue or renew an education provider's license, may  
25 reprimand, place on probation, or otherwise discipline an  
26 education provider, and may suspend or revoke the course

1 approval of any course offered by an education provider and  
2 may impose an administrative fine not to exceed \$25,000 upon  
3 an education provider, for any of the following:

4 (1) Procuring or attempting to procure licensure by  
5 knowingly making a false statement, submitting false  
6 information, engaging in any form of fraud or  
7 misrepresentation, or refusing to provide complete  
8 information in response to a question in an application  
9 for licensure.

10 (2) Failing to comply with the covenants certified to  
11 on the application for licensure as an education provider.

12 (3) Committing an act or omission involving  
13 dishonesty, fraud, or misrepresentation or allowing any  
14 such act or omission by any employee or contractor under  
15 the control of the provider.

16 (4) Engaging in misleading or untruthful advertising.

17 (5) Failing to retain competent instructors in  
18 accordance with rules adopted under this Act.

19 (6) Failing to meet the topic or time requirements for  
20 course approval as the provider of a qualifying curriculum  
21 course or a continuing education course.

22 (7) Failing to administer an approved course using the  
23 course materials, syllabus, and examinations submitted as  
24 the basis of the course approval.

25 (8) Failing to provide an appropriate classroom  
26 environment for presentation of courses, with

1 consideration for student comfort, acoustics, lighting,  
2 seating, workspace, and visual aid material.

3 (9) Failing to maintain student records in compliance  
4 with the rules adopted under this Act.

5 (10) Failing to provide a certificate, transcript, or  
6 other student record to the Department or to a student as  
7 may be required by rule.

8 (11) Failing to fully cooperate with an investigation  
9 by the Department by knowingly making a false statement,  
10 submitting false or misleading information, or refusing to  
11 provide complete information in response to written  
12 interrogatories or a written request for documentation  
13 within 30 days of the request.

14 (c) In appropriate cases, the Department may resolve a  
15 complaint against a licensee through the issuance of a Consent  
16 to Administrative Supervision order. A licensee subject to a  
17 Consent to Administrative Supervision order shall be  
18 considered by the Department as an active licensee in good  
19 standing. This order shall not be reported or considered by  
20 the Department to be a discipline of the licensee. The records  
21 regarding an investigation and a Consent to Administrative  
22 Supervision order shall be considered confidential and shall  
23 not be released by the Department except as mandated by law.

24 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24;  
25 revised 6-24-25.)

1 (225 ILCS 458/15-10.1)

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

3 Sec. 15-10.1. Citations.

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

18 (b) Service of a citation shall be made in person,  
19 electronically, or by mail to the licensee at the licensee's  
20 address of record or email address of record and ~~Service of a~~  
21 ~~citation~~ must clearly state that if the cited licensee wishes  
22 to dispute the citation, the cited licensee may make a written  
23 request, within 30 days after the citation is served, for a  
24 hearing before the Department. If the cited licensee does not  
25 request a hearing within 30 days after the citation is served,  
26 then ~~the citation shall become~~ a final, non-disciplinary order

1 shall be entered, and any fine imposed is due and payable  
2 within 30 ~~60~~ days after the entry of that final order. If the  
3 cited licensee requests a hearing within 30 days after the  
4 citation is served, the Department shall afford the cited  
5 licensee a hearing conducted in the same manner as a hearing  
6 provided for in this Act for any violation of this Act and  
7 shall determine whether the cited licensee committed the  
8 violation as charged and whether the fine as levied is  
9 warranted. If the violation is found, any fine shall  
10 constitute non-public discipline and be due and payable within  
11 30 days after the order of the Secretary, which shall  
12 constitute a final order of the Department. No change in  
13 license status may be made by the Department until a final  
14 order of the Department has been issued.

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

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

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

24 (225 ILCS 458/15-11)

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

1           Sec. 15-11. Illegal discrimination.

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

14           (b) When there has been an order in an administrative  
15 proceeding finding that a licensee has illegally discriminated  
16 while engaged in any activity for which a license is required  
17 under this Act, the Department, following notice to the  
18 licensee and a hearing in accordance with Section 15-15, and  
19 upon recommendation of the Board as to the nature and extent of  
20 the discipline, shall take one or more of the disciplinary  
21 actions provided for in this Act ~~Section 15-10~~ in a timely  
22 manner, unless the administrative order is in the appeal  
23 process. The finding of the administrative order is a matter  
24 of record, the merits of which shall not be challenged in a  
25 request for a hearing by the licensee.

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

1 (225 ILCS 458/15-15)

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

3 Sec. 15-15. Investigation; notice; hearing.

4 (a) Upon the motion of the Department or the Board or upon  
5 a complaint in writing of a person setting forth facts that, if  
6 proven, would constitute grounds for suspension, revocation,  
7 or other disciplinary action, the Department shall investigate  
8 the actions or qualifications of any person who is a licensee,  
9 applicant for licensure, unlicensed person, person rendering  
10 or offering to render appraisal services, or person holding or  
11 claiming to hold a license under this Act. If, upon  
12 investigation, the Department believes that there may be cause  
13 for suspension, revocation, or other disciplinary action, the  
14 Department may ~~shall~~ use the services of a State certified  
15 general real estate appraiser, a State certified residential  
16 real estate appraiser, or the Coordinator to assist in  
17 determining whether grounds for disciplinary action exist  
18 prior to commencing formal disciplinary proceedings.

19 (b) Formal disciplinary proceedings shall commence upon  
20 the issuance of a written complaint describing the charges  
21 that are the basis of the disciplinary action and delivery of  
22 the detailed complaint to the most recent address of record or  
23 email address of record of the person charged as provided to  
24 the Department. For an associate real estate trainee  
25 appraiser, a copy shall also be sent to the licensee's

1 supervising appraiser of record at the supervising appraiser's  
2 most recent address of record or email address of record as  
3 provided to the Department. The Department shall notify the  
4 person to file a verified written answer within 20 days after  
5 the service of the notice and complaint. The notification  
6 shall inform the person of the right to be heard in person or  
7 by legal counsel; that the hearing will be afforded not sooner  
8 than 20 days after service of the complaint; that failure to  
9 file an answer after service of notice will result in a default  
10 being entered against the person; that the license may be  
11 suspended, revoked, or placed on probationary status; and that  
12 the Department may take whatever other disciplinary action may  
13 be taken pursuant to this Act, including limiting the scope,  
14 nature, or extent of the licensee's practice. ~~If the person~~  
15 ~~fails to file an answer after service of notice, the~~  
16 ~~respective license may, at the discretion of the Department,~~  
17 ~~be suspended, revoked, or placed on probationary status and~~  
18 ~~the Department may take whatever disciplinary action it deems~~  
19 ~~proper, including limiting the scope, nature, or extent of the~~  
20 ~~person's practice, without a hearing.~~

21 (c) At the time and place fixed in the notice, the  
22 Department Board shall conduct a hearing of the charges,  
23 providing the parties ~~both the person charged and the~~  
24 ~~complainant~~ ample opportunity to present in person or by  
25 counsel such statements, testimony, evidence, and argument as  
26 may be pertinent to the charges or to a defense thereto. The

1 Department may continue such hearing from time to time.

2 If the person fails to file an answer after service of  
3 notice, the respective license may, at the discretion of the  
4 Department, be suspended, revoked, or placed on probationary  
5 status and the Department may take whatever disciplinary  
6 action it deems proper, including limiting the scope, nature,  
7 or extent of the person's practice, without a hearing, if the  
8 act or acts charged constitute sufficient grounds for such  
9 action under this Act.

10 (c-5) The Secretary shall have the authority to appoint an  
11 attorney duly licensed to practice law in the State of  
12 Illinois to serve as the hearing officer in any action to  
13 suspend, revoke, or otherwise discipline any license issued by  
14 the Department. The Hearing Officer shall have full authority  
15 to conduct the hearing.

16 There may be present one or more members of the Board at  
17 any such hearing. The hearing officer shall report the hearing  
18 officer's findings and recommendations to the Board and the  
19 Secretary. The Board shall have 60 days from receipt of the  
20 report to review the report of the hearing officer and present  
21 its findings of fact, conclusions of law, and recommendations  
22 to the Secretary. If the Board fails to present its findings of  
23 fact, conclusions of law, and recommendations within the  
24 60-day period, the Department may request in writing a direct  
25 appeal to the Secretary, in which case the Secretary may issue  
26 an order based upon the report of the hearing officer and the

1 record of the proceedings or issue an order remanding the  
2 matter back to the hearing officer for additional proceedings  
3 in accordance with the order. If the Board fails to present its  
4 findings of fact, conclusions of law, and recommendations  
5 within a 60-day period after receiving an Order of Default,  
6 the Department may request in writing a direct appeal to the  
7 Secretary.

8 (d) The Board shall present to the Secretary a written  
9 report of its findings of fact and recommendations. A copy of  
10 the report shall be served upon the person either by mail or,  
11 at the discretion of the Department, by electronic means. For  
12 associate real estate trainee appraisers, a copy shall also be  
13 sent to the licensee's supervising appraiser of record. Within  
14 20 days after the service, the person may present to the  
15 Department Secretary with a motion in writing for a rehearing  
16 that specifies and shall specify the particular grounds for  
17 the request. If the person orders a transcript of the record  
18 from the applicable reporting service and pays for the  
19 transcript within the 20-day period for filing a motion for  
20 rehearing, the 20-day period shall restart upon the delivery  
21 of the transcript.

22 Notwithstanding any other provision of this Section, if  
23 the Secretary, upon review, determines that substantial  
24 justice has not been done in the revocation, suspension, or  
25 refusal to issue or renew a license or any other disciplinary  
26 action taken as a result of the entry of the hearing officer's

1 report, the Secretary may order a rehearing by the Board or  
2 other special committee appointed by the Secretary or may  
3 remand the matter to the Board for its reconsideration of the  
4 matter based on the pleadings and evidence presented to the  
5 Board. If the Secretary disagrees in any regard with the  
6 report of the Board or the hearing officer, the Secretary may  
7 issue an order in contravention of the Board or the hearing  
8 officer. ~~If the person orders a transcript of the record as~~  
9 ~~provided in this Act, the time elapsing thereafter and before~~  
10 ~~the transcript is ready for delivery to the person shall not be~~  
11 ~~counted as part of the 20 days. If the Secretary is not~~  
12 ~~satisfied that substantial justice has been done, the~~  
13 ~~Secretary may order a rehearing by the Board or other special~~  
14 ~~committee appointed by the Secretary, may remand the matter to~~  
15 ~~the Board for its reconsideration of the matter based on the~~  
16 ~~pleadings and evidence presented to the Board, or may enter a~~  
17 ~~final order in contravention of the Board's recommendation.~~  
18 Notwithstanding a person's failure to file a motion for  
19 rehearing, the Secretary shall have the right to take any of  
20 the actions specified in this subsection (d). Upon the  
21 suspension or revocation of a license, the licensee shall be  
22 required to surrender the respective license to the  
23 Department, and upon failure or refusal to do so, the  
24 Department shall have the right to seize the license.

25 (e) The Department has the power to issue subpoenas and  
26 subpoenas duces tecum to bring before it any person in this

1 State, to take testimony, or to require production of any  
2 records relevant to an inquiry or hearing by the Board in the  
3 same manner as prescribed by law in judicial proceedings in  
4 the courts of this State. In a case of refusal of a witness to  
5 attend, testify, or to produce books or papers concerning a  
6 matter upon which the witness might be lawfully examined, the  
7 circuit court of the county where the hearing is held, upon  
8 application of the Department or any party to the proceeding,  
9 may compel obedience by proceedings as for contempt.

10 (f) Any license that is revoked may not be restored for a  
11 minimum period of 3 years.

12 (g) In addition to the provisions of this Section  
13 concerning the conduct of hearings and the recommendations for  
14 discipline, the Department has the authority to negotiate  
15 disciplinary and non-disciplinary settlement agreements  
16 concerning any license issued under this Act. All such  
17 agreements shall be recorded as Consent Orders or Consent to  
18 Administrative Supervision Orders.

19 (h) (Blank). ~~The Secretary shall have the authority to~~  
20 ~~appoint an attorney duly licensed to practice law in the State~~  
21 ~~of 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 (i) The Department, at its expense, shall preserve a  
26 record of all formal hearings of any contested case involving

1 the discipline of a license. At all hearings or pre-hearing  
2 conferences, the Department and the licensee shall be entitled  
3 to have the proceedings transcribed by a certified shorthand  
4 reporter. A copy of the transcribed proceedings shall be made  
5 available to the licensee by the certified shorthand reporter  
6 upon payment of the prevailing contract copy rate.

7 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;  
8 103-236, eff. 1-1-24; revised 6-24-25.)

9 (225 ILCS 458/25-10)

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

11 Sec. 25-10. Real Estate Appraisal Administration and  
12 Disciplinary Board; appointment.

13 (a) There is hereby created the Real Estate Appraisal  
14 Administration and Disciplinary Board. The Board shall be  
15 composed of the Coordinator and 10 persons appointed by the  
16 Governor. Members shall be appointed to the Board subject to  
17 the following conditions:

18 (1) All appointed members shall have been residents  
19 and citizens of this State for at least 5 years prior to  
20 the date of appointment.

21 (2) The appointed membership of the Board should  
22 reasonably reflect the geographic distribution of the  
23 population of the State.

24 (3) Four appointed members shall have been actively  
25 engaged and currently licensed as State certified general

1 real estate appraisers for a period of not less than 5  
2 years.

3 (4) Three appointed members shall have been actively  
4 engaged and currently licensed as State certified  
5 residential real estate appraisers for a period of not  
6 less than 5 years.

7 (5) One appointed member shall hold a valid license as  
8 a real estate broker for at least 3 years prior to the date  
9 of the appointment and shall hold either a valid State  
10 certified general real estate appraiser license or a valid  
11 State certified residential appraiser license issued under  
12 this Act or a predecessor Act for a period of at least 5  
13 years prior to the appointment.

14 (6) One appointed member shall be a representative of  
15 a financial institution, as evidenced by proof of  
16 employment with a financial institution.

17 (7) One appointed member shall represent the interests  
18 of the general public. This member or the member's spouse  
19 shall not be licensed under this Act nor be employed by or  
20 have any financial interest in an appraisal business,  
21 appraisal management company, real estate brokerage  
22 business, or a financial institution.

23 In making appointments as provided in paragraphs (3) and  
24 (4) of this subsection, the Governor shall give due  
25 consideration to recommendations by members and organizations  
26 representing the profession.

1           In making the appointments as provided in paragraph (5) of  
2 this subsection, the Governor shall give due consideration to  
3 the recommendations by members and organizations representing  
4 the real estate industry.

5           In making the appointment as provided in paragraph (6) of  
6 this subsection, the Governor shall give due consideration to  
7 the recommendations by members and organizations representing  
8 financial institutions.

9           (b) The members' terms shall be for 4 years or until a  
10 successor is appointed. No member shall be reappointed to the  
11 Board for a term that would cause the member's cumulative  
12 service to the Board to exceed 12 years. Appointments to fill  
13 vacancies shall be for the unexpired portion of the term.

14           (c) The Governor may terminate the appointment of a member  
15 for cause that, in the opinion of the Governor, reasonably  
16 justifies the termination. Cause for termination may include,  
17 without limitation, misconduct, incapacity, neglect of duty,  
18 or missing 4 Board meetings during any one fiscal year.

19           (d) A majority of the Board members shall constitute a  
20 quorum. A vacancy in the membership of the Board shall not  
21 impair the right of a quorum to exercise all of the rights and  
22 perform all of the duties of the Board.

23           (e) The Board shall meet at least monthly ~~and may be~~  
24 ~~convened by the Chairperson, Vice Chairperson, or 3 members of~~  
25 ~~the Board upon 10 days written notice.~~

26           (f) The Board shall, annually at the first meeting of the

1 fiscal year, elect a Chairperson and Vice-Chairperson from its  
2 members. The Chairperson shall preside over the meetings and  
3 shall coordinate with the Coordinator in developing and  
4 distributing an agenda for each meeting. In the absence of the  
5 Chairperson, the Vice-Chairperson shall preside over the  
6 meeting.

7 (g) The Coordinator shall serve as a member of the Board  
8 without vote.

9 (h) The Board shall advise and make recommendations to the  
10 Department on the education and experience qualifications of  
11 any applicant for initial licensure as a State certified  
12 general real estate appraiser or a State certified residential  
13 real estate appraiser. The Department shall not make any  
14 decisions concerning education or experience qualifications of  
15 an applicant for initial licensure as a State certified  
16 general real estate appraiser or a State certified residential  
17 real estate appraiser without having first received the advice  
18 and recommendation of the Board and shall give due  
19 consideration to all such advice and recommendations; however,  
20 if the Board does not render advice or make a recommendation  
21 within a reasonable amount of time, then the Department may  
22 render a decision.

23 (i) Except as provided in Section 15-17 of this Act, the  
24 Board shall hear and make recommendations to the Secretary on  
25 disciplinary matters that require a formal evidentiary  
26 hearing. The Secretary shall give due consideration to the

1 recommendations of the Board involving discipline and  
2 questions involving standards of professional conduct of  
3 licensees.

4 (j) The Department shall seek and the Board shall provide  
5 recommendations to the Department consistent with the  
6 provisions of this Act and for the administration and  
7 enforcement of all rules adopted pursuant to this Act. The  
8 Department shall give due consideration to such  
9 recommendations prior to adopting rules.

10 (k) The Department shall seek and the Board shall provide  
11 recommendations to the Department on the approval of all  
12 courses submitted to the Department pursuant to this Act and  
13 the rules adopted pursuant to this Act. The Department shall  
14 not approve any courses without having first received the  
15 recommendation of the Board and shall give due consideration  
16 to such recommendations prior to approving and licensing  
17 courses; however, if the Board does not make a recommendation  
18 within a reasonable amount of time, then the Department may  
19 approve courses.

20 (l) Each voting member of the Board may receive a per diem  
21 stipend in an amount to be determined by the Secretary. While  
22 engaged in the performance of duties, each member shall be  
23 reimbursed for necessary expenses.

24 (m) Members of the Board shall be immune from suit in an  
25 action based upon any disciplinary proceedings or other acts  
26 performed in good faith as members of the Board.

1 (n) If the Department disagrees with any advice or  
2 recommendation provided by the Board under this Section to the  
3 Secretary or the Department, then notice of such disagreement  
4 must be provided to the Board by the Department.

5 (o) (Blank).

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

8 Section 50. The Appraisal Management Company Registration  
9 Act is amended by changing Sections 10, 15, 20, 43, 45, 60, 65,  
10 75, 105, 110, 125, 165 as follows:

11 (225 ILCS 459/10)

12 Sec. 10. Definitions. In this Act:

13 "Address of record" means the principal address recorded  
14 by the Department in the applicant's or registrant's  
15 application file or registration file maintained by the  
16 Department's registration maintenance unit.

17 "Applicant" means a person or entity who applies to the  
18 Department for a registration under this Act.

19 "Appraisal" means (noun) the act or process of developing  
20 an opinion of value; an opinion of value (adjective) of or  
21 pertaining to appraising and related functions.

22 "Appraisal firm" means an appraisal entity that is 100%  
23 owned and controlled by a person or persons licensed in  
24 Illinois as a certified general real estate appraiser or a

1 certified residential real estate appraiser. An appraisal firm  
2 does not include an appraisal management company.

3 "Appraisal management company" means any corporation,  
4 limited liability company, partnership, sole proprietorship,  
5 subsidiary, unit, or other business entity that directly or  
6 indirectly: (1) provides appraisal management services to  
7 creditors or secondary mortgage market participants, including  
8 affiliates; (2) provides appraisal management services in  
9 connection with valuing the consumer's principal dwelling as  
10 security for a consumer credit transaction (including consumer  
11 credit transactions incorporated into securitizations); and  
12 (3) any appraisal management company that, within a given  
13 12-month period, oversees an appraiser panel of 16 or more  
14 State-certified appraisers in Illinois or 25 or more  
15 State-certified or State-licensed appraisers in 2 or more  
16 jurisdictions. "Appraisal management company" includes a  
17 hybrid entity.

18 "Appraisal management company national registry fee" means  
19 the fee implemented pursuant to Title XI of the federal  
20 Financial Institutions Reform, Recovery, and Enforcement Act  
21 of 1989 for an appraiser management company's national  
22 registry.

23 "Appraisal management services" means one or more of the  
24 following:

- 25 (1) recruiting, selecting, and retaining appraisers;  
26 (2) contracting with State-certified or State-licensed

1 appraisers to perform appraisal assignments;

2 (3) managing the process of having an appraisal  
3 performed, including providing administrative services  
4 such as receiving appraisal orders and appraisal reports;  
5 submitting completed appraisal reports to creditors and  
6 secondary market participants; collecting compensation  
7 from creditors, underwriters, or secondary market  
8 participants for services provided; and ~~or~~ paying  
9 appraisers for services performed; and ~~or~~

10 (4) reviewing and verifying the work of appraisers.

11 "Appraiser panel" means a network, list, or roster of  
12 licensed or certified appraisers approved by the appraisal  
13 management company or by the end-user client to perform  
14 appraisals as independent contractors for the appraisal  
15 management company. "Appraiser panel" includes both appraisers  
16 accepted by an appraisal management company for consideration  
17 for future appraisal assignments and appraisers engaged by an  
18 appraisal management company to perform one or more  
19 appraisals. For the purposes of determining the size of an  
20 appraiser panel, only independent contractors of hybrid  
21 entities shall be counted towards the appraiser panel.

22 "Appraiser panel fee" means the amount collected from a  
23 registrant that, where applicable, includes an appraisal  
24 management company's national registry fee.

25 "Appraisal report" means a written appraisal by an  
26 appraiser to a client.

1 "Appraisal practice service" means valuation services  
2 performed by an individual acting as an appraiser, including,  
3 but not limited to, appraisal or appraisal review.

4 "Appraisal subcommittee" means the appraisal subcommittee  
5 of the Federal Financial Institutions Examination Council as  
6 established by Title XI.

7 "Appraiser" means a person who performs real estate or  
8 real property appraisals.

9 "Assignment result" means an appraiser's opinions and  
10 conclusions developed specific to an assignment.

11 "Audit" includes, but is not limited to, an annual or  
12 special audit, visit, or review necessary under this Act or  
13 required by the Secretary or the Secretary's authorized  
14 representative in carrying out the duties and responsibilities  
15 under this Act.

16 "Client" means the party or parties who engage an  
17 appraiser by employment or contract in a specific appraisal  
18 assignment.

19 "Controlling person" means:

20 (1) an owner, officer, or director of an entity  
21 seeking to offer appraisal management services;

22 (2) an individual employed, appointed, or authorized  
23 by an appraisal management company who has the authority  
24 to:

25 (A) enter into a contractual relationship with a  
26 client for the performance of an appraisal management

1 service or appraisal practice service; and

2 (B) enter into an agreement with an appraiser for  
3 the performance of a real estate appraisal activity;

4 (3) an individual who possesses, directly or  
5 indirectly, the power to direct or cause the direction of  
6 the management or policies of an appraisal management  
7 company; or

8 (4) an individual who will act as the sole compliance  
9 officer with regard to this Act and any rules adopted  
10 under this Act.

11 "Covered transaction" means a consumer credit transaction  
12 secured by a consumer's principal dwelling.

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

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

19 "Entity" means a corporation, a limited liability company,  
20 partnership, a sole proprietorship, or other entity providing  
21 services or holding itself out to provide services as an  
22 appraisal management company or an appraisal management  
23 service.

24 "End-user client" means any person who utilizes or engages  
25 the services of an appraiser through an appraisal management  
26 company.

1 "Federally regulated appraisal management company" means  
2 an appraisal management company that is owned and controlled  
3 by an insured depository institution, as defined in 12 U.S.C.  
4 1813, or an insured credit union, as defined in 12 U.S.C. 1752,  
5 and regulated by the Office of the Comptroller of the  
6 Currency, the Federal Reserve Board, the National Credit Union  
7 Association, or the Federal Deposit Insurance Corporation.

8 "Financial institution" means any bank, savings bank,  
9 savings and loan association, credit union, mortgage broker,  
10 mortgage banker, registrant under the Consumer Installment  
11 Loan Act or the Sales Finance Agency Act, or a corporate  
12 fiduciary, subsidiary, affiliate, parent company, or holding  
13 company of any registrant, or any institution involved in real  
14 estate financing that is regulated by State or federal law.

15 "Foreign appraisal management company" means any appraisal  
16 management company organized under the laws of any other state  
17 of the United States, the District of Columbia, or any other  
18 jurisdiction of the United States.

19 "Hybrid entity" means an appraisal management company that  
20 hires an appraiser as an employee to perform an appraisal and  
21 engages an independent contractor to perform an appraisal.

22 "Multi-state licensing system" means a web-based platform  
23 that allows an applicant to submit the application or  
24 registration renewal to the Department online.

25 "Person" means individuals, entities, sole  
26 proprietorships, corporations, limited liability companies,

1 and alien, foreign, or domestic partnerships, except that when  
2 the context otherwise requires, the term may refer to a single  
3 individual or other described entity.

4 "Principal dwelling" means a residential structure that  
5 contains one to 4 units, whether or not that structure is  
6 attached to real property. "Principal dwelling" includes an  
7 individual condominium unit, cooperative unit, manufactured  
8 home, mobile home, and trailer, if it is used as a residence.

9 "Principal office" means the actual, physical business  
10 address, which shall not be a post office box or a virtual  
11 business address, of a registrant, at which (i) the Department  
12 may contact the registrant and (ii) records required under  
13 this Act are maintained.

14 "Qualified to transact business in this State" means being  
15 in compliance with the requirements of the Business  
16 Corporation Act of 1983.

17 "Quality control review" means a review of an appraisal  
18 report for compliance and completeness, including grammatical,  
19 typographical, or other similar errors, unrelated to  
20 developing an opinion of value.

21 "Real estate" means an identified parcel or tract of land,  
22 including any improvements.

23 "Real estate related financial transaction" means any  
24 transaction involving:

25 (1) the sale, lease, purchase, investment in, or  
26 exchange of real property, including interests in property

1 or the financing thereof;

2 (2) the refinancing of real property or interests in  
3 real property; and

4 (3) the use of real property or interest in property  
5 as security for a loan or investment, including mortgage  
6 backed securities.

7 "Real property" means the interests, benefits, and rights  
8 inherent in the ownership of real estate.

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

11 "USPAP" means the Uniform Standards of Professional  
12 Appraisal Practice as adopted by the Appraisal Standards Board  
13 under Title XI.

14 "Valuation" means any estimate of the value of real  
15 property in connection with a creditor's decision to provide  
16 credit, including those values developed under a policy of a  
17 government sponsored enterprise or by an automated valuation  
18 model or other methodology or mechanism.

19 "Written notice" means a communication transmitted by mail  
20 or by electronic means that can be verified between an  
21 appraisal management company and a licensed or certified real  
22 estate appraiser.

23 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21.)

24 (225 ILCS 459/15)

25 Sec. 15. Exemptions.

1 (a) Nothing in this Act shall apply to any of the  
2 following:

3 (1) an agency of the federal, State, county, or  
4 municipal government or an officer or employee of a  
5 governmental ~~government~~ agency, or person, described in  
6 this Section when acting within the scope of employment of  
7 the officer or employee;

8 (2) a corporate relocation company when the appraisal  
9 is not used for mortgage purposes and the end user client  
10 is an employer company;

11 (3) any person licensed in this State under any other  
12 Act while engaged in the activities or practice for which  
13 the person ~~he or she~~ is licensed;

14 (4) any person licensed to practice law in this State  
15 who is working with or on behalf of a client of that person  
16 in connection with one or more appraisals for that client;

17 (5) an appraiser that enters into an agreement,  
18 whether written or otherwise, with another appraiser for  
19 the performance of an appraisal, and upon the completion  
20 of the appraisal, the report of the appraiser performing  
21 the appraisal is signed by both the appraiser who  
22 completed the appraisal and the appraiser who requested  
23 the completion of the appraisal, except that an appraisal  
24 management company may not avoid the requirement of  
25 registration under this Act by requiring an employee of  
26 the appraisal management company who is an appraiser to

1 sign an appraisal that was completed by another appraiser  
2 who is part of the appraisal panel of the appraisal  
3 management company;

4 (6) any person acting as an agent of the Illinois  
5 Department of Transportation in the acquisition or  
6 relinquishment of land for transportation issues to the  
7 extent of their contract scope;

8 (7) a design professional entity when the appraisal is  
9 not used for mortgage purposes and the end user client is  
10 an agency of State government or a unit of local  
11 government;

12 (8) an appraiser firm whose ownership is appropriately  
13 certified under the Real Estate Appraiser Licensing Act of  
14 2002;

15 (9) an appraisal management company solely engaged in  
16 non-residential appraisal management services; or

17 (10) a department or division of an entity that  
18 provides appraisal management services only to that  
19 entity.

20 (b) A federally regulated appraisal management company  
21 shall register with the Department for the sole purpose of  
22 collecting required information for, and to pay all fees  
23 associated with, the State of Illinois' obligation to register  
24 the federally regulated appraisal management company with the  
25 Appraisal Management Companies National Registry, but the  
26 federally regulated appraisal management company is otherwise

1 exempt from all other provisions in this Act.

2 (c) In the event that the Final Interim Rule of the federal  
3 Dodd-Frank Wall Street Reform and Consumer Protection Act  
4 provides that an appraisal management company is a subsidiary  
5 owned and controlled by a financial institution regulated by a  
6 federal financial institution's regulatory agency and is  
7 exempt from State appraisal management company registration  
8 requirements, the Department, shall, by rule, provide for the  
9 implementation of such an exemption.

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

11 (225 ILCS 459/20)

12 Sec. 20. Restrictions and limitations. Beginning January  
13 1, 2012, it is unlawful for a person or entity to act or assume  
14 to act as an appraisal management company as defined in this  
15 Act, to engage in the business of appraisal management  
16 service, or to advertise or hold oneself ~~himself or herself~~  
17 out to be a registered appraisal management company without  
18 first obtaining a registration issued by the Department under  
19 this Act. A person or entity that violates this Section is  
20 guilty of a Class A misdemeanor for the first offense and a  
21 Class 4 felony for second and subsequent offenses.

22 (Source: P.A. 100-604, eff. 7-13-18.)

23 (225 ILCS 459/43)

24 Sec. 43. Application denial. If an application is denied,

1 the applicant may, within 20 days after the date of the notice  
2 of denial, make a written request to the Secretary for a  
3 hearing on the application, and the Secretary shall set a time  
4 and place for the hearing. The hearing shall be set for a date  
5 after the receipt by the Secretary of the request for hearing,  
6 and notice of the time and place of the hearing shall be  
7 communicated to the applicant at least 10 days before the date  
8 of the hearing. The applicant shall pay the actual cost of  
9 making the transcript of the hearing before the Secretary  
10 issues a ~~his or her~~ decision following the hearing. If,  
11 following the hearing, the application is denied, the  
12 Secretary shall prepare and keep on file ~~in his or her office~~ a  
13 written order of denial thereof that shall contain the ~~his or~~  
14 ~~her~~ findings and the reasons supporting the denial and shall  
15 communicate a copy to the applicant in a manner prescribed by  
16 the Department. A decision may be reviewed as provided in  
17 Section 135.

18 (Source: P.A. 100-604, eff. 7-13-18.)

19 (225 ILCS 459/45)

20 Sec. 45. Expiration and renewal of registration. The  
21 expiration date and renewal period for each registration shall  
22 be set by rule. A registrant whose registration has expired  
23 may reinstate the ~~his or her~~ registration at any time within 5  
24 years after the expiration thereof, by making a renewal  
25 application and by paying the required fee.

1 Any registrant whose registration has expired for more  
2 than 5 years may have it restored by making an application to  
3 the Department, paying the required fee, and filing acceptable  
4 proof of fitness to have the registration restored as set by  
5 rule.

6 (Source: P.A. 97-602, eff. 8-26-11.)

7 (225 ILCS 459/60)

8 Sec. 60. Returned checks; fines. Any person who delivers  
9 a check or other payment to the Department that is returned to  
10 the Department unpaid by the financial institution upon which  
11 it is drawn shall pay to the Department, in addition to the  
12 amount already owed to the Department, a fine of \$50. The fines  
13 imposed by this Section are in addition to any other  
14 discipline provided under this Act for unregistered practice  
15 or practice on a nonrenewed registration. The Department shall  
16 notify the person that payment of fees and fines shall be paid  
17 to the Department by certified check or money order within 30  
18 calendar days of the notification. If, after the expiration of  
19 30 days after the date of the notification, the person has  
20 failed to submit the necessary remittance, the Department  
21 shall automatically terminate the registration or deny the  
22 application, without hearing. If, after termination or denial,  
23 the person seeks a registration, the person ~~he or she~~ shall  
24 apply to the Department for restoration or issuance of the  
25 registration and pay all fees and fines due to the Department.

1 The Department may establish a fee for the processing of an  
2 application for restoration of a registration to pay all  
3 expenses of processing this application. The Secretary may  
4 waive the fines due under this Section in individual cases  
5 where the Secretary finds that the fines would be unreasonable  
6 or unnecessarily burdensome.

7 (Source: P.A. 97-602, eff. 8-26-11.)

8 (225 ILCS 459/65)

9 Sec. 65. Disciplinary actions.

10 (a) The Department may refuse to issue or renew, or may  
11 revoke, suspend, place on probation, reprimand, or take other  
12 disciplinary or non-disciplinary action as the Department may  
13 deem appropriate, including imposing fines not to exceed  
14 \$25,000 for each violation upon any registrant or applicant  
15 under this Act or entity who holds oneself or itself out as an  
16 applicant or registrant, for any one or combination of the  
17 following:

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

20 (2) Violations of this Act or of the rules adopted  
21 under this Act.

22 (3) Conviction of or entry of a plea of guilty or nolo  
23 contendere to any crime that is a felony under the laws of  
24 the United States or any state or territory thereof or  
25 that is a misdemeanor of which an essential element is

1           dishonesty, or any crime that is directly related to the  
2           practice of the profession.

3           (4) Making any misrepresentation for the purpose of  
4           obtaining registration or violating any provision of this  
5           Act or the rules adopted under this Act pertaining to  
6           advertising.

7           (5) Professional incompetence.

8           (6) Gross malpractice.

9           (7) Aiding or assisting another person in violating  
10          any provision of this Act, the Illinois Real Estate  
11          Appraiser Licensing Act of 2002, or the ~~or~~ rules adopted  
12          under either ~~this~~ Act.

13          (8) Failing, within 30 days after requested, to  
14          provide information in response to a written request made  
15          by the Department.

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

19          (10) Discipline by another state, the District of  
20          Columbia, a territory, or a foreign nation, if at least  
21          one of the grounds for the discipline is the same or  
22          substantially equivalent to those set forth in this  
23          Section.

24          (11) A finding by the Department that the registrant,  
25          after having the registrant's registration placed on  
26          probationary status, has violated the terms of probation.

1           (12) Willfully making or filing false records or  
2 reports in the registrant's practice, including, but not  
3 limited to, false records filed with State agencies or  
4 departments.

5           (13) Filing false statements for collection of fees  
6 for which services are not rendered.

7           (14) Practicing under a false or, except as provided  
8 by law, an assumed name.

9           (15) Fraud or misrepresentation in applying for, or  
10 procuring, a registration under this Act or in connection  
11 with applying for renewal of a registration under this  
12 Act.

13           (16) Being adjudicated liable in a civil proceeding  
14 for violation of a state or federal fair housing law.

15           (17) (Blank). ~~Failure to obtain or maintain the bond~~  
16 ~~required under Section 50 of this Act.~~

17           (18) Failure to pay appraiser panel fees or appraisal  
18 management company national registry fees.

19           (19) Violating the terms of any order issued by the  
20 Department.

21           (b) The Department may refuse to issue or may suspend  
22 without hearing as provided for in the Department of  
23 Professional Regulation Law of the Civil Administrative Code  
24 of Illinois the registration of any person who fails to file a  
25 return, or to pay the tax, penalty, or interest shown in a  
26 filed return, or to pay any final assessment of the tax,

1 penalty, or interest as required by any tax Act administered  
2 by the Illinois Department of Revenue, until such time as the  
3 requirements of any such tax Act are satisfied.

4 (b-5) The Department may refuse to issue or renew or may  
5 suspend without hearing as provided for in the Department of  
6 Professional Regulation Law of the Civil Administrative Code  
7 of Illinois the registration of any person who fails to pay or  
8 secure workers' compensation obligations as determined by and  
9 based solely upon the certification of the Department of  
10 Insurance or the Illinois Workers' Compensation Commission.

11 (c) An appraisal management company shall not be  
12 registered or included on the national registry if the  
13 company, in whole or in part, directly or indirectly, is owned  
14 by a person who has had an appraiser license or certificate  
15 refused, denied, canceled, surrendered in lieu of revocation,  
16 or revoked under the Real Estate Appraiser Licensing Act of  
17 2002 or the rules adopted under that Act, or similar  
18 discipline by another state, the District of Columbia, a  
19 territory, a foreign nation, a governmental agency, or an  
20 entity authorized to impose discipline if at least one of the  
21 grounds for that discipline is the same as or the equivalent of  
22 one of the grounds for which a licensee may be disciplined as  
23 set forth under this Section.

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

1           Sec. 75. Investigations; notice and hearing. The  
2 Department may investigate the actions of any person who is an  
3 applicant or of any person or persons rendering or offering to  
4 render any services requiring registration under this Act or  
5 any person holding or claiming to hold a registration as an  
6 appraisal management company. The Department shall, before  
7 revoking, suspending, placing on probation, reprimanding, or  
8 taking any other disciplinary or non-disciplinary action under  
9 Section 65 or Section 165 of this Act, at least 30 days before  
10 the date set for the hearing, (i) notify the person charged in  
11 writing of the charges made and the time and place for the  
12 hearing on the charges, (ii) direct the person to file a  
13 written answer to the charges with the Department under oath  
14 within 20 days after service of the notice, and (iii) inform  
15 the person that, if the person fails to answer, default will be  
16 entered or that the person's registration may be suspended,  
17 revoked, placed on probationary status, or other disciplinary  
18 action taken with regard to the registration, including  
19 limiting the scope, nature, or extent of the person's  
20 practice, as the Department may consider proper. At the time  
21 and place fixed in the notice, the Department shall proceed to  
22 hear the charges and the parties or their counsel shall be  
23 accorded ample opportunity to present any pertinent  
24 statements, testimony, evidence, and arguments. The Department  
25 may continue the hearing from time to time. In case the person,  
26 after receiving the notice, fails to file an answer, the

1 person's registration may, in the discretion of the  
2 Department, be suspended, revoked, placed on probationary  
3 status, or the Department may take whatever disciplinary  
4 action considered proper, including limiting the scope,  
5 nature, or extent of the person's practice or the imposition  
6 of a fine, without a hearing, if the act or acts charged  
7 constitute sufficient grounds for that action under this Act.  
8 The written notice may be served by certified mail or  
9 electronic mail to the last address of record or email address  
10 of record as provided to the Department or, if in the course of  
11 the administrative proceeding the party has previously  
12 designated a specific email address at which to accept  
13 electronic service for that specific proceeding, by sending a  
14 copy by email to the party's email address on record.

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

16 (225 ILCS 459/105)

17 Sec. 105. Secretary; rehearing. Whenever the Secretary  
18 believes that substantial justice has not been done in the  
19 revocation, suspension, or refusal to issue, restore, or renew  
20 a registration, or other discipline of an applicant or  
21 registrant, the Secretary ~~he or she~~ may order a rehearing by  
22 the same or other hearing officers.

23 (Source: P.A. 97-602, eff. 8-26-11.)

24 (225 ILCS 459/110)

1           Sec. 110. Appointment of a hearing officer. The Secretary  
2 has the authority to appoint any attorney licensed to practice  
3 law in the State to serve as the hearing officer in any action  
4 for refusal to issue, restore, or renew a registration or to  
5 discipline a registrant. The hearing officer has full  
6 authority to conduct the hearing. The hearing officer shall  
7 report the ~~his or her~~ findings of fact, conclusions of law, and  
8 recommendations to the Secretary. If the Secretary disagrees  
9 with the recommendation of the hearing officer, the Secretary  
10 may issue an order in contravention of the recommendation.

11       (Source: P.A. 97-602, eff. 8-26-11.)

12           (225 ILCS 459/125)

13           Sec. 125. Surrender of registration. Upon the revocation  
14 or suspension of a registration, the registrant shall  
15 immediately surrender the ~~his or her~~ registration to the  
16 Department. If the registrant fails to do so, the Department  
17 has the right to seize the registration.

18       (Source: P.A. 97-602, eff. 8-26-11.)

19           (225 ILCS 459/165)

20           Sec. 165. Prohibited activities.

21           (a) No person or entity acting in the capacity of an  
22 appraisal management company shall improperly influence or  
23 attempt to improperly influence the development, reporting,  
24 result, or review of any appraisal by engaging, without

1 limitation, in any of the following:

2 (1) Withholding or threatening to withhold timely  
3 payment for a completed appraisal, except where addressed  
4 in a mutually agreed upon contract.

5 (2) Withholding or threatening to withhold, either  
6 expressed or by implication, future business from, or  
7 demoting, or terminating, or threatening to demote or  
8 terminate an Illinois licensed or certified appraiser.

9 (3) Expressly or impliedly promising future business,  
10 promotions, or increased compensation for an independent  
11 appraiser.

12 (4) Conditioning an assignment for an appraisal  
13 service or the payment of an appraisal fee or salary or  
14 bonus on the opinion, conclusion, or valuation to be  
15 reached in an appraisal report.

16 (5) Requesting that an appraiser provide an estimated,  
17 predetermined, or desired valuation in an appraisal report  
18 or provide estimated values or sales at any time prior to  
19 the appraiser's completion of an appraisal report.

20 (6) Allowing or directing the removal of an appraiser  
21 from an appraisal panel without prior written notice to  
22 the appraiser.

23 (7) Requiring an appraiser to sign a non-compete  
24 clause when not an employee of the entity.

25 (8) Requiring an appraiser to sign any sort of  
26 indemnification agreement that would require the appraiser

1 to defend and hold harmless the appraisal management  
2 company or any of its agents, employees, or independent  
3 contractors for any liability, damage, losses, or claims  
4 arising out of the services performed by the appraisal  
5 management company or its agents, employees, or  
6 independent contractors and not the services performed by  
7 the appraiser.

8 (9) Prohibiting or attempting to prohibit the  
9 appraiser from including or referencing the appraisal fee,  
10 the appraisal management company name or identity, or the  
11 client's or lender's name or identity within the body of  
12 the appraisal report.

13 (10) Requiring ~~Require~~ an appraiser to collect a fee  
14 from the borrower or occupant of the property to be  
15 appraised.

16 (11) Knowingly withholding any end-user client  
17 guidelines, policies, requirements, standards, assignment  
18 conditions, and special instructions from an appraiser  
19 prior to the acceptance of an appraisal assignment.

20 (b) A person or entity may not structure an appraisal  
21 assignment or a contract with an independent appraiser for the  
22 purpose of evading the provisions of this Act.

23 (c) No registrant or other person or entity may alter,  
24 modify, or otherwise change a completed appraisal report  
25 submitted by an independent appraiser, including without  
26 limitation, by doing either of the following:

1 (1) permanently or temporarily removing the  
2 appraiser's signature or seal; or

3 (2) adding information to, or removing information  
4 from, the appraisal report with an intent to change the  
5 value conclusion or the condition of the property.

6 (d) No appraisal management company may require an  
7 appraiser to provide it with the appraiser's digital signature  
8 or seal. However, nothing in this Act shall be deemed to  
9 prohibit an appraiser from voluntarily providing the  
10 appraiser's ~~his or her~~ digital signature or seal to another  
11 person on an assignment-by-assignment basis, in accordance  
12 with USPAP.

13 (e) Nothing in this Act shall prohibit an appraisal  
14 management company from requesting that an appraiser:

15 (1) consider additional appropriate property  
16 information, including the consideration of additional  
17 comparable properties to make or support an appraisal;

18 (2) provide further detail, substantiation, or  
19 explanation for the appraiser's value conclusion; or

20 (3) correct factual errors in the appraisal report.

21 (Source: P.A. 97-602, eff. 8-26-11.)

22 (225 ILCS 459/50 rep.)

23 Section 55. The Appraisal Management Company Registration  
24 Act is amended by repealing Section 50.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.