

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 changing  
5 Section 4.30 as follows:

6 (5 ILCS 80/4.30)

7 Sec. 4.30. Acts repealed on January 1, 2020. The following  
8 Acts are repealed on January 1, 2020:

9 The Auction License Act.

10 The Community Association Manager Licensing and  
11 Disciplinary Act.

12 The Illinois Architecture Practice Act of 1989.

13 The Illinois Landscape Architecture Act of 1989.

14 The Illinois Professional Land Surveyor Act of 1989.

15 ~~The Land Sales Registration Act of 1999.~~

16 The Orthotics, Prosthetics, and Pedorthics Practice Act.

17 The Perfusionist Practice Act.

18 The Professional Engineering Practice Act of 1989.

19 The Real Estate License Act of 2000.

20 The Structural Engineering Practice Act of 1989.

21 (Source: P.A. 96-610, eff. 8-24-09; 96-626, eff. 8-24-09;

22 96-682, eff. 8-25-09; 96-726, eff. 7-1-10; 96-730, eff.

23 8-25-09; 96-855, eff. 12-31-09; 96-856, eff. 12-31-09;

1 96-1000, eff. 7-2-10.)

2 (225 ILCS 401/Act rep.)

3 Section 10. The Illinois Athlete Agents Act is repealed.

4 Section 15. The Auction License Act is amended by changing  
5 Sections 5-10 and 10-1 as follows:

6 (225 ILCS 407/5-10)

7 (Section scheduled to be repealed on January 1, 2020)

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

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

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

17 "Associate auctioneer" means a person who conducts an  
18 auction, but who is under the direct supervision of, and is  
19 sponsored by, a licensed auctioneer or auction firm.

20 "Auction" means the sale or lease of property, real or  
21 personal, by means of exchanges between an auctioneer and  
22 prospective purchasers or lessees, which consists of a series  
23 of invitations for offers made by the auctioneer and offers by

1 prospective purchasers or lessees for the purpose of obtaining  
2 an acceptable offer for the sale or lease of the property,  
3 including the sale or lease of property via mail,  
4 telecommunications, or the Internet.

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

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

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

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

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

25 "Address of Record" means the designated address recorded  
26 by the Department in the applicant's or licensee's application

1 file or license file maintained by the Department. It is the  
2 duty of the applicant or licensee to inform the Department of  
3 any change of address, and such changes must be made either  
4 through the Department's website or by directly contacting the  
5 Department.

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

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

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

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

20 "Internet auction listing service" means a website on the  
21 Internet, or other interactive computer service, that is  
22 designed to allow or advertise as a means of allowing users to  
23 offer personal property or services for sale or lease to a  
24 prospective buyer or lessee through an on-line bid submission  
25 process using that website or interactive computer service and  
26 that does not examine, set the price, prepare the description

1 of the personal property or service to be offered, or in any  
2 way utilize the services of a natural person as an auctioneer.

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

4 "Managing auctioneer" means any person licensed as an  
5 auctioneer who manages and supervises licensees sponsored by an  
6 auction firm or auctioneer.

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

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

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

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

16 "Sponsoring auctioneer" means the auctioneer or auction  
17 firm who has issued a sponsor card to a licensed auctioneer.

18 "Sponsor card" means the temporary permit issued by the  
19 sponsoring auctioneer certifying that the licensee named  
20 thereon is employed by or associated with the sponsoring  
21 auctioneer and the sponsoring auctioneer shall be responsible  
22 for the actions of the sponsored licensee.

23 (Source: P.A. 98-553, eff. 1-1-14.)

24 (225 ILCS 407/10-1)

25 (Section scheduled to be repealed on January 1, 2020)

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

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

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

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

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

17           (4) an auction conducted by a business registered as a  
18 market agency under the federal Packers and Stockyards Act  
19 (7 U.S.C. 181 et seq.) or under the Livestock Auction  
20 Market Law;

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

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

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

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

18 (d) Nothing in this Act, ~~except Section 10-27,~~ shall be  
19 construed to apply to a person ~~while~~ providing an Internet  
20 auction listing service as defined in Section 5-10 ~~10-27~~.

21 (Source: P.A. 95-572, eff. 6-1-08; 95-783, eff. 1-1-09; 96-730,  
22 eff. 8-25-09.)

23 (225 ILCS 407/10-27 rep.)

24 Section 20. The Auction License Act is amended by repealing  
25 Section 10-27.

1           Section 30. The Real Estate License Act of 2000 is amended  
2 by changing Sections 1-10, 5-20, 20-20, and 20-85 as follows:

3           (225 ILCS 454/1-10)

4           (Section scheduled to be repealed on January 1, 2020)

5           Sec. 1-10. Definitions. In this Act, unless the context  
6 otherwise requires:

7           "Act" means the Real Estate License Act of 2000.

8           "Address of record" means the designated address recorded  
9 by the Department in the applicant's or licensee's application  
10 file or license file as maintained by the Department's  
11 licensure maintenance unit. It is the duty of the applicant or  
12 licensee to inform the Department of any change of address, and  
13 those changes must be made either through the Department's  
14 website or by contacting the Department.

15           "Advisory Council" means the Real Estate Education  
16 Advisory Council created under Section 30-10 of this Act.

17           "Agency" means a relationship in which a broker or  
18 licensee, whether directly or through an affiliated licensee,  
19 represents a consumer by the consumer's consent, whether  
20 express or implied, in a real property transaction.

21           "Applicant" means any person, as defined in this Section,  
22 who applies to the Department for a valid license as a managing  
23 broker, broker, or leasing agent.

24           "Blind advertisement" means any real estate advertisement



1 that does not include the sponsoring broker's business name and  
2 that is used by any licensee regarding the sale or lease of  
3 real estate, including his or her own, licensed activities, or  
4 the hiring of any licensee under this Act. The broker's  
5 business name in the case of a franchise shall include the  
6 franchise affiliation as well as the name of the individual  
7 firm.

8 "Board" means the Real Estate Administration and  
9 Disciplinary Board of the Department as created by Section  
10 25-10 of this Act.

11 "Branch office" means a sponsoring broker's office other  
12 than the sponsoring broker's principal office.

13 "Broker" means an individual, partnership, limited  
14 liability company, corporation, or registered limited  
15 liability partnership other than a leasing agent who, whether  
16 in person or through any media or technology, for another and  
17 for compensation, or with the intention or expectation of  
18 receiving compensation, either directly or indirectly:

19 (1) Sells, exchanges, purchases, rents, or leases real  
20 estate.

21 (2) Offers to sell, exchange, purchase, rent, or lease  
22 real estate.

23 (3) Negotiates, offers, attempts, or agrees to  
24 negotiate the sale, exchange, purchase, rental, or leasing  
25 of real estate.

26 (4) Lists, offers, attempts, or agrees to list real

1 estate for sale, rent, lease, or exchange.

2 (5) Buys, sells, offers to buy or sell, or otherwise  
3 deals in options on real estate or improvements thereon.

4 (6) Supervises the collection, offer, attempt, or  
5 agreement to collect rent for the use of real estate.

6 (7) Advertises or represents himself or herself as  
7 being engaged in the business of buying, selling,  
8 exchanging, renting, or leasing real estate.

9 (8) Assists or directs in procuring or referring of  
10 leads or prospects, intended to result in the sale,  
11 exchange, lease, or rental of real estate.

12 (9) Assists or directs in the negotiation of any  
13 transaction intended to result in the sale, exchange,  
14 lease, or rental of real estate.

15 (10) Opens real estate to the public for marketing  
16 purposes.

17 (11) Sells, rents, leases, or offers for sale or lease  
18 real estate at auction.

19 (12) Prepares or provides a broker price opinion or  
20 comparative market analysis as those terms are defined in  
21 this Act, pursuant to the provisions of Section 10-45 of  
22 this Act.

23 "Brokerage agreement" means a written or oral agreement  
24 between a sponsoring broker and a consumer for licensed  
25 activities to be provided to a consumer in return for  
26 compensation or the right to receive compensation from another.

1 Brokerage agreements may constitute either a bilateral or a  
2 unilateral agreement between the broker and the broker's client  
3 depending upon the content of the brokerage agreement. All  
4 exclusive brokerage agreements shall be in writing.

5 "Broker price opinion" means an estimate or analysis of the  
6 probable selling price of a particular interest in real estate,  
7 which may provide a varying level of detail about the  
8 property's condition, market, and neighborhood and information  
9 on comparable sales. The activities of a real estate broker or  
10 managing broker engaging in the ordinary course of business as  
11 a broker, as defined in this Section, shall not be considered a  
12 broker price opinion if no compensation is paid to the broker  
13 or managing broker, other than compensation based upon the sale  
14 or rental of real estate.

15 "Client" means a person who is being represented by a  
16 licensee.

17 "Comparative market analysis" is an analysis or opinion  
18 regarding pricing, marketing, or financial aspects relating to  
19 a specified interest or interests in real estate that may be  
20 based upon an analysis of comparative market data, the  
21 expertise of the real estate broker or managing broker, and  
22 such other factors as the broker or managing broker may deem  
23 appropriate in developing or preparing such analysis or  
24 opinion. The activities of a real estate broker or managing  
25 broker engaging in the ordinary course of business as a broker,  
26 as defined in this Section, shall not be considered a

1 comparative market analysis if no compensation is paid to the  
2 broker or managing broker, other than compensation based upon  
3 the sale or rental of real estate.

4 "Compensation" means the valuable consideration given by  
5 one person or entity to another person or entity in exchange  
6 for the performance of some activity or service. Compensation  
7 shall include the transfer of valuable consideration,  
8 including without limitation the following:

9 (1) commissions;

10 (2) referral fees;

11 (3) bonuses;

12 (4) prizes;

13 (5) merchandise;

14 (6) finder fees;

15 (7) performance of services;

16 (8) coupons or gift certificates;

17 (9) discounts;

18 (10) rebates;

19 (11) a chance to win a raffle, drawing, lottery, or  
20 similar game of chance not prohibited by any other law or  
21 statute;

22 (12) retainer fee; or

23 (13) salary.

24 "Confidential information" means information obtained by a  
25 licensee from a client during the term of a brokerage agreement  
26 that (i) was made confidential by the written request or

1 written instruction of the client, (ii) deals with the  
2 negotiating position of the client, or (iii) is information the  
3 disclosure of which could materially harm the negotiating  
4 position of the client, unless at any time:

5 (1) the client permits the disclosure of information  
6 given by that client by word or conduct;

7 (2) the disclosure is required by law; or

8 (3) the information becomes public from a source other  
9 than the licensee.

10 "Confidential information" shall not be considered to  
11 include material information about the physical condition of  
12 the property.

13 "Consumer" means a person or entity seeking or receiving  
14 licensed activities.

15 "Continuing education school" means any person licensed by  
16 the Department as a school for continuing education in  
17 accordance with Section 30-15 of this Act.

18 "Coordinator" means the Coordinator of Real Estate created  
19 in Section 25-15 of this Act.

20 "Credit hour" means 50 minutes of classroom instruction in  
21 course work that meets the requirements set forth in rules  
22 adopted by the Department.

23 "Customer" means a consumer who is not being represented by  
24 the licensee but for whom the licensee is performing  
25 ministerial acts.

26 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Designated agency" means a contractual relationship  
3 between a sponsoring broker and a client under Section 15-50 of  
4 this Act in which one or more licensees associated with or  
5 employed by the broker are designated as agent of the client.

6 "Designated agent" means a sponsored licensee named by a  
7 sponsoring broker as the legal agent of a client, as provided  
8 for in Section 15-50 of this Act.

9 "Dual agency" means an agency relationship in which a  
10 licensee is representing both buyer and seller or both landlord  
11 and tenant in the same transaction. When the agency  
12 relationship is a designated agency, the question of whether  
13 there is a dual agency shall be determined by the agency  
14 relationships of the designated agent of the parties and not of  
15 the sponsoring broker.

16 "Employee" or other derivative of the word "employee", when  
17 used to refer to, describe, or delineate the relationship  
18 between a sponsoring broker and a managing broker, broker, or a  
19 leasing agent, shall be construed to include an independent  
20 contractor relationship, provided that a written agreement  
21 exists that clearly establishes and states the relationship.  
22 All responsibilities of a broker shall remain.

23 "Escrow moneys" means all moneys, promissory notes or any  
24 other type or manner of legal tender or financial consideration  
25 deposited with any person for the benefit of the parties to the  
26 transaction. A transaction exists once an agreement has been

1 reached and an accepted real estate contract signed or lease  
2 agreed to by the parties. Escrow moneys includes without  
3 limitation earnest moneys and security deposits, except those  
4 security deposits in which the person holding the security  
5 deposit is also the sole owner of the property being leased and  
6 for which the security deposit is being held.

7 "Electronic means of proctoring" means a methodology  
8 providing assurance that the person taking a test and  
9 completing the answers to questions is the person seeking  
10 licensure or credit for continuing education and is doing so  
11 without the aid of a third party or other device.

12 "Exclusive brokerage agreement" means a written brokerage  
13 agreement that provides that the sponsoring broker has the sole  
14 right, through one or more sponsored licensees, to act as the  
15 exclusive designated agent or representative of the client and  
16 that meets the requirements of Section 15-75 of this Act.

17 "Inoperative" means a status of licensure where the  
18 licensee holds a current license under this Act, but the  
19 licensee is prohibited from engaging in licensed activities  
20 because the licensee is unsponsored or the license of the  
21 sponsoring broker with whom the licensee is associated or by  
22 whom he or she is employed is currently expired, revoked,  
23 suspended, or otherwise rendered invalid under this Act.

24 "Interactive delivery method" means delivery of a course by  
25 an instructor through a medium allowing for 2-way communication  
26 between the instructor and a student in which either can

1 initiate or respond to questions.

2 "Leads" means the name or names of a potential buyer,  
3 seller, lessor, lessee, or client of a licensee.

4 "Leasing Agent" means a person who is employed by a broker  
5 to engage in licensed activities limited to leasing residential  
6 real estate who has obtained a license as provided for in  
7 Section 5-5 of this Act.

8 "License" means the document issued by the Department  
9 certifying that the person named thereon has fulfilled all  
10 requirements prerequisite to licensure under this Act.

11 "Licensed activities" means those activities listed in the  
12 definition of "broker" under this Section.

13 "Licensee" means any person, as defined in this Section,  
14 who holds a valid unexpired license as a managing broker,  
15 broker, or leasing agent.

16 "Listing presentation" means a communication between a  
17 managing broker or broker and a consumer in which the licensee  
18 is attempting to secure a brokerage agreement with the consumer  
19 to market the consumer's real estate for sale or lease.

20 "Managing broker" means a broker who has supervisory  
21 responsibilities for licensees in one or, in the case of a  
22 multi-office company, more than one office and who has been  
23 appointed as such by the sponsoring broker.

24 "Medium of advertising" means any method of communication  
25 intended to influence the general public to use or purchase a  
26 particular good or service or real estate.



1 "Ministerial acts" means those acts that a licensee may  
2 perform for a consumer that are informative or clerical in  
3 nature and do not rise to the level of active representation on  
4 behalf of a consumer. Examples of these acts include without  
5 limitation (i) responding to phone inquiries by consumers as to  
6 the availability and pricing of brokerage services, (ii)  
7 responding to phone inquiries from a consumer concerning the  
8 price or location of property, (iii) attending an open house  
9 and responding to questions about the property from a consumer,  
10 (iv) setting an appointment to view property, (v) responding to  
11 questions of consumers walking into a licensee's office  
12 concerning brokerage services offered or particular  
13 properties, (vi) accompanying an appraiser, inspector,  
14 contractor, or similar third party on a visit to a property,  
15 (vii) describing a property or the property's condition in  
16 response to a consumer's inquiry, (viii) completing business or  
17 factual information for a consumer on an offer or contract to  
18 purchase on behalf of a client, (ix) showing a client through a  
19 property being sold by an owner on his or her own behalf, or  
20 (x) referral to another broker or service provider.

21 "Office" means a broker's place of business where the  
22 general public is invited to transact business and where  
23 records may be maintained and licenses displayed, whether or  
24 not it is the broker's principal place of business.

25 "Person" means and includes individuals, entities,  
26 corporations, limited liability companies, registered limited

1 liability partnerships, and partnerships, foreign or domestic,  
2 except that when the context otherwise requires, the term may  
3 refer to a single individual or other described entity.

4 "Personal assistant" means a licensed or unlicensed person  
5 who has been hired for the purpose of aiding or assisting a  
6 sponsored licensee in the performance of the sponsored  
7 licensee's job.

8 "Pocket card" means the card issued by the Department to  
9 signify that the person named on the card is currently licensed  
10 under this Act.

11 "Pre-license school" means a school licensed by the  
12 Department offering courses in subjects related to real estate  
13 transactions, including the subjects upon which an applicant is  
14 examined in determining fitness to receive a license.

15 "Pre-renewal period" means the period between the date of  
16 issue of a currently valid license and the license's expiration  
17 date.

18 "Proctor" means any person, including, but not limited to,  
19 an instructor, who has a written agreement to administer  
20 examinations fairly and impartially with a licensed  
21 pre-license school or a licensed continuing education school.

22 "Real estate" means and includes leaseholds as well as any  
23 other interest or estate in land, whether corporeal,  
24 incorporeal, freehold, or non-freehold, ~~including timeshare~~  
25 ~~interests,~~ and whether the real estate is situated in this  
26 State or elsewhere. "Real estate" does not include property

1 sold, exchanged, or leased as a timeshare or similar vacation  
2 item or interest, vacation club membership, or other activity  
3 formerly regulated under the Real Estate Timeshare Act of 1999  
4 (repealed).

5 "Regular employee" means a person working an average of 20  
6 hours per week for a person or entity who would be considered  
7 as an employee under the Internal Revenue Service eleven main  
8 tests in three categories being behavioral control, financial  
9 control and the type of relationship of the parties, formerly  
10 the twenty factor test.

11 "Secretary" means the Secretary of the Department of  
12 Financial and Professional Regulation, or a person authorized  
13 by the Secretary to act in the Secretary's stead.

14 "Sponsoring broker" means the broker who has issued a  
15 sponsor card to a licensed managing broker, broker, or a  
16 leasing agent.

17 "Sponsor card" means the temporary permit issued by the  
18 sponsoring broker certifying that the managing broker, broker,  
19 or leasing agent named thereon is employed by or associated by  
20 written agreement with the sponsoring broker, as provided for  
21 in Section 5-40 of this Act.

22 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15;  
23 99-227, eff. 8-3-15.)

24 (225 ILCS 454/5-20)

25 (Section scheduled to be repealed on January 1, 2020)

1           Sec. 5-20. Exemptions from managing broker, broker, or  
2 leasing agent license requirement. The requirement for holding  
3 a license under this Article 5 shall not apply to:

4           (1) Any person, partnership, or corporation that as  
5 owner or lessor performs any of the acts described in the  
6 definition of "broker" under Section 1-10 of this Act with  
7 reference to property owned or leased by it, or to the  
8 regular employees thereof with respect to the property so  
9 owned or leased, where such acts are performed in the  
10 regular course of or as an incident to the management,  
11 sale, or other disposition of such property and the  
12 investment therein, provided that such regular employees  
13 do not perform any of the acts described in the definition  
14 of "broker" under Section 1-10 of this Act in connection  
15 with a vocation of selling or leasing any real estate or  
16 the improvements thereon not so owned or leased.

17           (2) An attorney in fact acting under a duly executed  
18 and recorded power of attorney to convey real estate from  
19 the owner or lessor or the services rendered by an attorney  
20 at law in the performance of the attorney's duty as an  
21 attorney at law.

22           (3) Any person acting as receiver, trustee in  
23 bankruptcy, administrator, executor, or guardian or while  
24 acting under a court order or under the authority of a will  
25 or testamentary trust.

26           (4) Any person acting as a resident manager for the

1 owner or any employee acting as the resident manager for a  
2 broker managing an apartment building, duplex, or  
3 apartment complex, when the resident manager resides on the  
4 premises, the premises is his or her primary residence, and  
5 the resident manager is engaged in the leasing of the  
6 property of which he or she is the resident manager.

7 (5) Any officer or employee of a federal agency in the  
8 conduct of official duties.

9 (6) Any officer or employee of the State government or  
10 any political subdivision thereof performing official  
11 duties.

12 (7) Any multiple listing service or other similar  
13 information exchange that is engaged in the collection and  
14 dissemination of information concerning real estate  
15 available for sale, purchase, lease, or exchange for the  
16 purpose of providing licensees with a system by which  
17 licensees may cooperatively share information along with  
18 which no other licensed activities, as defined in Section  
19 1-10 of this Act, are provided.

20 (8) Railroads and other public utilities regulated by  
21 the State of Illinois, or the officers or full time  
22 employees thereof, unless the performance of any licensed  
23 activities is in connection with the sale, purchase, lease,  
24 or other disposition of real estate or investment therein  
25 not needing the approval of the appropriate State  
26 regulatory authority.

1           (9) Any medium of advertising in the routine course of  
2 selling or publishing advertising along with which no other  
3 licensed activities, as defined in Section 1-10 of this  
4 Act, are provided.

5           (10) Any resident lessee of a residential dwelling unit  
6 who refers for compensation to the owner of the dwelling  
7 unit, or to the owner's agent, prospective lessees of  
8 dwelling units in the same building or complex as the  
9 resident lessee's unit, but only if the resident lessee (i)  
10 refers no more than 3 prospective lessees in any 12-month  
11 period, (ii) receives compensation of no more than \$1,500  
12 or the equivalent of one month's rent, whichever is less,  
13 in any 12-month period, and (iii) limits his or her  
14 activities to referring prospective lessees to the owner,  
15 or the owner's agent, and does not show a residential  
16 dwelling unit to a prospective lessee, discuss terms or  
17 conditions of leasing a dwelling unit with a prospective  
18 lessee, or otherwise participate in the negotiation of the  
19 leasing of a dwelling unit.

20           (11) The purchase, sale, or transfer of a timeshare or  
21 similar vacation item or interest, vacation club  
22 membership, or other activity formerly regulated under the  
23 Real Estate Timeshare Act of 1999 (repealed) ~~An exchange~~  
24 ~~company registered under the Real Estate Timeshare Act of~~  
25 ~~1999 and the regular employees of that registered exchange~~  
26 ~~company but only when conducting an exchange program as~~

1 ~~defined in that Act.~~

2 (12) (Blank). ~~An existing timeshare owner who, for~~  
3 ~~compensation, refers prospective purchasers, but only if~~  
4 ~~the existing timeshare owner (i) refers no more than 20~~  
5 ~~prospective purchasers in any calendar year, (ii) receives~~  
6 ~~no more than \$1,000, or its equivalent, for referrals in~~  
7 ~~any calendar year and (iii) limits his or her activities to~~  
8 ~~referring prospective purchasers of timeshare interests to~~  
9 ~~the developer or the developer's employees or agents, and~~  
10 ~~does not show, discuss terms or conditions of purchase or~~  
11 ~~otherwise participate in negotiations with regard to~~  
12 ~~timeshare interests.~~

13 (13) Any person who is licensed without examination  
14 under Section 10-25 (now repealed) of the Auction License  
15 Act is exempt from holding a managing broker's or broker's  
16 license under this Act for the limited purpose of selling  
17 or leasing real estate at auction, so long as:

18 (A) that person has made application for said  
19 exemption by July 1, 2000;

20 (B) that person verifies to the Department that he  
21 or she has sold real estate at auction for a period of  
22 5 years prior to licensure as an auctioneer;

23 (C) the person has had no lapse in his or her  
24 license as an auctioneer; and

25 (D) the license issued under the Auction License  
26 Act has not been disciplined for violation of those

1 provisions of Article 20 of the Auction License Act  
2 dealing with or related to the sale or lease of real  
3 estate at auction.

4 (14) A person who holds a valid license under the  
5 Auction License Act and a valid real estate auction  
6 certification and conducts auctions for the sale of real  
7 estate under Section 5-32 of this Act.

8 (15) A hotel operator who is registered with the  
9 Illinois Department of Revenue and pays taxes under the  
10 Hotel Operators' Occupation Tax Act and rents a room or  
11 rooms in a hotel as defined in the Hotel Operators'  
12 Occupation Tax Act for a period of not more than 30  
13 consecutive days and not more than 60 days in a calendar  
14 year.

15 (Source: P.A. 98-553, eff. 1-1-14; 99-227, eff. 8-3-15.)

16 (225 ILCS 454/20-20)

17 (Section scheduled to be repealed on January 1, 2020)

18 Sec. 20-20. Grounds for discipline.

19 (a) The Department may refuse to issue or renew a license,  
20 may place on probation, suspend, or revoke any license,  
21 reprimand, or take any other disciplinary or non-disciplinary  
22 action as the Department may deem proper and impose a fine not  
23 to exceed \$25,000 upon any licensee or applicant under this Act  
24 or any person who holds himself or herself out as an applicant  
25 or licensee or against a licensee in handling his or her own



1 property, whether held by deed, option, or otherwise, for any  
2 one or any combination of the following causes:

3 (1) Fraud or misrepresentation in applying for, or  
4 procuring, a license under this Act or in connection with  
5 applying for renewal of a license under this Act.

6 (2) The conviction of or plea of guilty or plea of nolo  
7 contendere to a felony or misdemeanor in this State or any  
8 other jurisdiction; or the entry of an administrative  
9 sanction by a government agency in this State or any other  
10 jurisdiction. Action taken under this paragraph (2) for a  
11 misdemeanor or an administrative sanction is limited to a  
12 misdemeanor or administrative sanction that has as an  
13 essential element dishonesty or fraud or involves larceny,  
14 embezzlement, or obtaining money, property, or credit by  
15 false pretenses or by means of a confidence game.

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

21 (4) Practice under this Act as a licensee in a retail  
22 sales establishment from an office, desk, or space that is  
23 not separated from the main retail business by a separate  
24 and distinct area within the establishment.

25 (5) Having been disciplined by another state, the  
26 District of Columbia, a territory, a foreign nation, or a

1 governmental agency authorized to impose discipline if at  
2 least one of the grounds for that discipline is the same as  
3 or the equivalent of one of the grounds for which a  
4 licensee may be disciplined under this Act. A certified  
5 copy of the record of the action by the other state or  
6 jurisdiction shall be prima facie evidence thereof.

7 (6) Engaging in the practice of real estate brokerage  
8 without a license or after the licensee's license was  
9 expired or while the license was inoperative.

10 (7) Cheating on or attempting to subvert the Real  
11 Estate License Exam or continuing education exam.

12 (8) Aiding or abetting an applicant to subvert or cheat  
13 on the Real Estate License Exam or continuing education  
14 exam administered pursuant to this Act.

15 (9) Advertising that is inaccurate, misleading, or  
16 contrary to the provisions of the Act.

17 (10) Making any substantial misrepresentation or  
18 untruthful advertising.

19 (11) Making any false promises of a character likely to  
20 influence, persuade, or induce.

21 (12) Pursuing a continued and flagrant course of  
22 misrepresentation or the making of false promises through  
23 licensees, employees, agents, advertising, or otherwise.

24 (13) Any misleading or untruthful advertising, or  
25 using any trade name or insignia of membership in any real  
26 estate organization of which the licensee is not a member.

1           (14) Acting for more than one party in a transaction  
2 without providing written notice to all parties for whom  
3 the licensee acts.

4           (15) Representing or attempting to represent a broker  
5 other than the sponsoring broker.

6           (16) Failure to account for or to remit any moneys or  
7 documents coming into his or her possession that belong to  
8 others.

9           (17) Failure to maintain and deposit in a special  
10 account, separate and apart from personal and other  
11 business accounts, all escrow moneys belonging to others  
12 entrusted to a licensee while acting as a broker, escrow  
13 agent, or temporary custodian of the funds of others or  
14 failure to maintain all escrow moneys on deposit in the  
15 account until the transactions are consummated or  
16 terminated, except to the extent that the moneys, or any  
17 part thereof, shall be:

18           (A) disbursed prior to the consummation or  
19 termination (i) in accordance with the written  
20 direction of the principals to the transaction or their  
21 duly authorized agents, (ii) in accordance with  
22 directions providing for the release, payment, or  
23 distribution of escrow moneys contained in any written  
24 contract signed by the principals to the transaction or  
25 their duly authorized agents, or (iii) pursuant to an  
26 order of a court of competent jurisdiction; or

1           (B) deemed abandoned and transferred to the Office  
2           of the State Treasurer to be handled as unclaimed  
3           property pursuant to the Uniform Disposition of  
4           Unclaimed Property Act. Escrow moneys may be deemed  
5           abandoned under this subparagraph (B) only: (i) in the  
6           absence of disbursement under subparagraph (A); (ii)  
7           in the absence of notice of the filing of any claim in  
8           a court of competent jurisdiction; and (iii) if 6  
9           months have elapsed after the receipt of a written  
10          demand for the escrow moneys from one of the principals  
11          to the transaction or the principal's duly authorized  
12          agent.

13          The account shall be noninterest bearing, unless the  
14          character of the deposit is such that payment of interest  
15          thereon is otherwise required by law or unless the  
16          principals to the transaction specifically require, in  
17          writing, that the deposit be placed in an interest bearing  
18          account.

19          (18) Failure to make available to the Department all  
20          escrow records and related documents maintained in  
21          connection with the practice of real estate within 24 hours  
22          of a request for those documents by Department personnel.

23          (19) Failing to furnish copies upon request of  
24          documents relating to a real estate transaction to a party  
25          who has executed that document.

26          (20) Failure of a sponsoring broker to timely provide

1 information, sponsor cards, or termination of licenses to  
2 the Department.

3 (21) Engaging in dishonorable, unethical, or  
4 unprofessional conduct of a character likely to deceive,  
5 defraud, or harm the public.

6 (22) Commingling the money or property of others with  
7 his or her own money or property.

8 (23) Employing any person on a purely temporary or  
9 single deal basis as a means of evading the law regarding  
10 payment of commission to nonlicensees on some contemplated  
11 transactions.

12 (24) Permitting the use of his or her license as a  
13 broker to enable a leasing agent or unlicensed person to  
14 operate a real estate business without actual  
15 participation therein and control thereof by the broker.

16 (25) Any other conduct, whether of the same or a  
17 different character from that specified in this Section,  
18 that constitutes dishonest dealing.

19 (26) Displaying a "for rent" or "for sale" sign on any  
20 property without the written consent of an owner or his or  
21 her duly authorized agent or advertising by any means that  
22 any property is for sale or for rent without the written  
23 consent of the owner or his or her authorized agent.

24 (27) Failing to provide information requested by the  
25 Department, or otherwise respond to that request, within 30  
26 days of the request.

1           (28) Advertising by means of a blind advertisement,  
2           except as otherwise permitted in Section 10-30 of this Act.

3           (29) Offering guaranteed sales plans, as defined in  
4           clause (A) of this subdivision (29), except to the extent  
5           hereinafter set forth:

6                   (A) A "guaranteed sales plan" is any real estate  
7                   purchase or sales plan whereby a licensee enters into a  
8                   conditional or unconditional written contract with a  
9                   seller, prior to entering into a brokerage agreement  
10                  with the seller, by the terms of which a licensee  
11                  agrees to purchase a property of the seller within a  
12                  specified period of time at a specific price in the  
13                  event the property is not sold in accordance with the  
14                  terms of a brokerage agreement to be entered into  
15                  between the sponsoring broker and the seller.

16                   (B) A licensee offering a guaranteed sales plan  
17                   shall provide the details and conditions of the plan in  
18                   writing to the party to whom the plan is offered.

19                   (C) A licensee offering a guaranteed sales plan  
20                   shall provide to the party to whom the plan is offered  
21                   evidence of sufficient financial resources to satisfy  
22                   the commitment to purchase undertaken by the broker in  
23                   the plan.

24                   (D) Any licensee offering a guaranteed sales plan  
25                   shall undertake to market the property of the seller  
26                   subject to the plan in the same manner in which the

1 broker would market any other property, unless the  
2 agreement with the seller provides otherwise.

3 (E) The licensee cannot purchase seller's property  
4 until the brokerage agreement has ended according to  
5 its terms or is otherwise terminated.

6 (F) Any licensee who fails to perform on a  
7 guaranteed sales plan in strict accordance with its  
8 terms shall be subject to all the penalties provided in  
9 this Act for violations thereof and, in addition, shall  
10 be subject to a civil fine payable to the party injured  
11 by the default in an amount of up to \$25,000.

12 (30) Influencing or attempting to influence, by any  
13 words or acts, a prospective seller, purchaser, occupant,  
14 landlord, or tenant of real estate, in connection with  
15 viewing, buying, or leasing real estate, so as to promote  
16 or tend to promote the continuance or maintenance of  
17 racially and religiously segregated housing or so as to  
18 retard, obstruct, or discourage racially integrated  
19 housing on or in any street, block, neighborhood, or  
20 community.

21 (31) Engaging in any act that constitutes a violation  
22 of any provision of Article 3 of the Illinois Human Rights  
23 Act, whether or not a complaint has been filed with or  
24 adjudicated by the Human Rights Commission.

25 (32) Inducing any party to a contract of sale or lease  
26 or brokerage agreement to break the contract of sale or

1 lease or brokerage agreement for the purpose of  
2 substituting, in lieu thereof, a new contract for sale or  
3 lease or brokerage agreement with a third party.

4 (33) Negotiating a sale, exchange, or lease of real  
5 estate directly with any person if the licensee knows that  
6 the person has an exclusive brokerage agreement with  
7 another broker, unless specifically authorized by that  
8 broker.

9 (34) When a licensee is also an attorney, acting as the  
10 attorney for either the buyer or the seller in the same  
11 transaction in which the licensee is acting or has acted as  
12 a managing broker or broker.

13 (35) Advertising or offering merchandise or services  
14 as free if any conditions or obligations necessary for  
15 receiving the merchandise or services are not disclosed in  
16 the same advertisement or offer. These conditions or  
17 obligations include without limitation the requirement  
18 that the recipient attend a promotional activity or visit a  
19 real estate site. As used in this subdivision (35), "free"  
20 includes terms such as "award", "prize", "no charge", "free  
21 of charge", "without charge", and similar words or phrases  
22 that reasonably lead a person to believe that he or she may  
23 receive or has been selected to receive something of value,  
24 without any conditions or obligations on the part of the  
25 recipient.

26 (36) (Blank). ~~Disregarding or violating any provision~~



1 ~~of the Land Sales Registration Act of 1989, the Illinois~~  
2 ~~Real Estate Time Share Act, or the published rules~~  
3 ~~promulgated by the Department to enforce those Acts.~~

4 (37) Violating the terms of a disciplinary order issued  
5 by the Department.

6 (38) Paying or failing to disclose compensation in  
7 violation of Article 10 of this Act.

8 (39) Requiring a party to a transaction who is not a  
9 client of the licensee to allow the licensee to retain a  
10 portion of the escrow moneys for payment of the licensee's  
11 commission or expenses as a condition for release of the  
12 escrow moneys to that party.

13 (40) Disregarding or violating any provision of this  
14 Act or the published rules promulgated by the Department to  
15 enforce this Act or aiding or abetting any individual,  
16 partnership, registered limited liability partnership,  
17 limited liability company, or corporation in disregarding  
18 any provision of this Act or the published rules  
19 promulgated by the Department to enforce this Act.

20 (41) Failing to provide the minimum services required  
21 by Section 15-75 of this Act when acting under an exclusive  
22 brokerage agreement.

23 (42) Habitual or excessive use or addiction to alcohol,  
24 narcotics, stimulants, or any other chemical agent or drug  
25 that results in a managing broker, broker, or leasing  
26 agent's inability to practice with reasonable skill or

1 safety.

2 (43) Enabling, aiding, or abetting an auctioneer, as  
3 defined in the Auction License Act, to conduct a real  
4 estate auction in a manner that is in violation of this  
5 Act.

6 (b) The Department may refuse to issue or renew or may  
7 suspend the license of any person who fails to file a return,  
8 pay the tax, penalty or interest shown in a filed return, or  
9 pay any final assessment of tax, penalty, or interest, as  
10 required by any tax Act administered by the Department of  
11 Revenue, until such time as the requirements of that tax Act  
12 are satisfied in accordance with subsection (g) of Section  
13 2105-15 of the Civil Administrative Code of Illinois.

14 (c) The Department shall deny a license or renewal  
15 authorized by this Act to a person who has defaulted on an  
16 educational loan or scholarship provided or guaranteed by the  
17 Illinois Student Assistance Commission or any governmental  
18 agency of this State in accordance with item (5) of subsection  
19 (a) of Section 2105-15 of the Civil Administrative Code of  
20 Illinois.

21 (d) In cases where the Department of Healthcare and Family  
22 Services (formerly Department of Public Aid) has previously  
23 determined that a licensee or a potential licensee is more than  
24 30 days delinquent in the payment of child support and has  
25 subsequently certified the delinquency to the Department may  
26 refuse to issue or renew or may revoke or suspend that person's

1 license or may take other disciplinary action against that  
2 person based solely upon the certification of delinquency made  
3 by the Department of Healthcare and Family Services in  
4 accordance with item (5) of subsection (a) of Section 2105-15  
5 of the Civil Administrative Code of Illinois.

6 (e) In enforcing this Section, the Department or Board upon  
7 a showing of a possible violation may compel an individual  
8 licensed to practice under this Act, or who has applied for  
9 licensure under this Act, to submit to a mental or physical  
10 examination, or both, as required by and at the expense of the  
11 Department. The Department or Board may order the examining  
12 physician to present testimony concerning the mental or  
13 physical examination of the licensee or applicant. No  
14 information shall be excluded by reason of any common law or  
15 statutory privilege relating to communications between the  
16 licensee or applicant and the examining physician. The  
17 examining physicians shall be specifically designated by the  
18 Board or Department. The individual to be examined may have, at  
19 his or her own expense, another physician of his or her choice  
20 present during all aspects of this examination. Failure of an  
21 individual to submit to a mental or physical examination, when  
22 directed, shall be grounds for suspension of his or her license  
23 until the individual submits to the examination if the  
24 Department finds, after notice and hearing, that the refusal to  
25 submit to the examination was without reasonable cause.

26 If the Department or Board finds an individual unable to

1 practice because of the reasons set forth in this Section, the  
2 Department or Board may require that individual to submit to  
3 care, counseling, or treatment by physicians approved or  
4 designated by the Department or Board, as a condition, term, or  
5 restriction for continued, reinstated, or renewed licensure to  
6 practice; or, in lieu of care, counseling, or treatment, the  
7 Department may file, or the Board may recommend to the  
8 Department to file, a complaint to immediately suspend, revoke,  
9 or otherwise discipline the license of the individual. An  
10 individual whose license was granted, continued, reinstated,  
11 renewed, disciplined or supervised subject to such terms,  
12 conditions, or restrictions, and who fails to comply with such  
13 terms, conditions, or restrictions, shall be referred to the  
14 Secretary for a determination as to whether the individual  
15 shall have his or her license suspended immediately, pending a  
16 hearing by the Department.

17 In instances in which the Secretary immediately suspends a  
18 person's license under this Section, a hearing on that person's  
19 license must be convened by the Department within 30 days after  
20 the suspension and completed without appreciable delay. The  
21 Department and Board shall have the authority to review the  
22 subject individual's record of treatment and counseling  
23 regarding the impairment to the extent permitted by applicable  
24 federal statutes and regulations safeguarding the  
25 confidentiality of medical records.

26 An individual licensed under this Act and affected under

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

5 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;  
6 99-227, eff. 8-3-15.)

7 (225 ILCS 454/20-85)

8 (Section scheduled to be repealed on January 1, 2020)

9 Sec. 20-85. Recovery from Real Estate Recovery Fund. The  
10 Department shall maintain a Real Estate Recovery Fund from  
11 which any person aggrieved by an act, representation,  
12 transaction, or conduct of a licensee or unlicensed employee of  
13 a licensee that is in violation of this Act or the rules  
14 promulgated pursuant thereto, constitutes embezzlement of  
15 money or property, or results in money or property being  
16 unlawfully obtained from any person by false pretenses,  
17 artifice, trickery, or forgery or by reason of any fraud,  
18 misrepresentation, discrimination, or deceit by or on the part  
19 of any such licensee or the unlicensed employee of a licensee  
20 and that results in a loss of actual cash money, as opposed to  
21 losses in market value, may recover. The aggrieved person may  
22 recover, by a post-judgment order of the circuit court of the  
23 county where the violation occurred in a proceeding described  
24 in Section 20-90 of this Act, an amount of not more than  
25 \$25,000 from the Fund for damages sustained by the act,

1 representation, transaction, or conduct, together with costs  
2 of suit and attorney's fees incurred in connection therewith of  
3 not to exceed 15% of the amount of the recovery ordered paid  
4 from the Fund. However, no person may recover from the Fund  
5 unless the court finds that the person suffered a loss  
6 resulting from intentional misconduct. The post-judgment order  
7 shall not include interest on the judgment. The maximum  
8 liability against the Fund arising out of any one act shall be  
9 as provided in this Section, and the post-judgment order shall  
10 spread the award equitably among all co-owners or otherwise  
11 aggrieved persons, if any. The maximum liability against the  
12 Fund arising out of the activities of any one licensee or one  
13 unlicensed employee of a licensee, since January 1, 1974, shall  
14 be \$100,000. Nothing in this Section shall be construed to  
15 authorize recovery from the Fund unless the loss of the  
16 aggrieved person results from an act or omission of a licensee  
17 under this Act who was at the time of the act or omission  
18 acting in such capacity or was apparently acting in such  
19 capacity or their unlicensed employee and unless the aggrieved  
20 person has obtained a valid judgment and post-judgment order of  
21 the court as provided for in Section 20-90 of this Act. ~~No~~  
22 ~~person aggrieved by an act, representation, or transaction that~~  
23 ~~is in violation of the Illinois Real Estate Time Share Act or~~  
24 ~~the Land Sales Registration Act of 1989 may recover from the~~  
25 ~~Fund.~~

26 (Source: P.A. 99-227, eff. 8-3-15.)

1           Section 45. The Unified Code of Corrections is amended by  
2 changing Section 5-5-5 as follows:

3           (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

4           Sec. 5-5-5. Loss and Restoration of Rights.

5           (a) Conviction and disposition shall not entail the loss by  
6 the defendant of any civil rights, except under this Section  
7 and Sections 29-6 and 29-10 of The Election Code, as now or  
8 hereafter amended.

9           (b) A person convicted of a felony shall be ineligible to  
10 hold an office created by the Constitution of this State until  
11 the completion of his sentence.

12           (c) A person sentenced to imprisonment shall lose his right  
13 to vote until released from imprisonment.

14           (d) On completion of sentence of imprisonment or upon  
15 discharge from probation, conditional discharge or periodic  
16 imprisonment, or at any time thereafter, all license rights and  
17 privileges granted under the authority of this State which have  
18 been revoked or suspended because of conviction of an offense  
19 shall be restored unless the authority having jurisdiction of  
20 such license rights finds after investigation and hearing that  
21 restoration is not in the public interest. This paragraph (d)  
22 shall not apply to the suspension or revocation of a license to  
23 operate a motor vehicle under the Illinois Vehicle Code.

24           (e) Upon a person's discharge from incarceration or parole,

1 or upon a person's discharge from probation or at any time  
2 thereafter, the committing court may enter an order certifying  
3 that the sentence has been satisfactorily completed when the  
4 court believes it would assist in the rehabilitation of the  
5 person and be consistent with the public welfare. Such order  
6 may be entered upon the motion of the defendant or the State or  
7 upon the court's own motion.

8 (f) Upon entry of the order, the court shall issue to the  
9 person in whose favor the order has been entered a certificate  
10 stating that his behavior after conviction has warranted the  
11 issuance of the order.

12 (g) This Section shall not affect the right of a defendant  
13 to collaterally attack his conviction or to rely on it in bar  
14 of subsequent proceedings for the same offense.

15 (h) No application for any license specified in subsection  
16 (i) of this Section granted under the authority of this State  
17 shall be denied by reason of an eligible offender who has  
18 obtained a certificate of relief from disabilities, as defined  
19 in Article 5.5 of this Chapter, having been previously  
20 convicted of one or more criminal offenses, or by reason of a  
21 finding of lack of "good moral character" when the finding is  
22 based upon the fact that the applicant has previously been  
23 convicted of one or more criminal offenses, unless:

24 (1) there is a direct relationship between one or more  
25 of the previous criminal offenses and the specific license  
26 sought; or



1           (2) the issuance of the license would involve an  
2           unreasonable risk to property or to the safety or welfare  
3           of specific individuals or the general public.

4           In making such a determination, the licensing agency shall  
5           consider the following factors:

6           (1) the public policy of this State, as expressed in  
7           Article 5.5 of this Chapter, to encourage the licensure and  
8           employment of persons previously convicted of one or more  
9           criminal offenses;

10          (2) the specific duties and responsibilities  
11          necessarily related to the license being sought;

12          (3) the bearing, if any, the criminal offenses or  
13          offenses for which the person was previously convicted will  
14          have on his or her fitness or ability to perform one or  
15          more such duties and responsibilities;

16          (4) the time which has elapsed since the occurrence of  
17          the criminal offense or offenses;

18          (5) the age of the person at the time of occurrence of  
19          the criminal offense or offenses;

20          (6) the seriousness of the offense or offenses;

21          (7) any information produced by the person or produced  
22          on his or her behalf in regard to his or her rehabilitation  
23          and good conduct, including a certificate of relief from  
24          disabilities issued to the applicant, which certificate  
25          shall create a presumption of rehabilitation in regard to  
26          the offense or offenses specified in the certificate; and

1           (8) the legitimate interest of the licensing agency in  
2           protecting property, and the safety and welfare of specific  
3           individuals or the general public.

4           (i) A certificate of relief from disabilities shall be  
5           issued only for a license or certification issued under the  
6           following Acts:

7           (1) the Animal Welfare Act; except that a certificate  
8           of relief from disabilities may not be granted to provide  
9           for the issuance or restoration of a license under the  
10          Animal Welfare Act for any person convicted of violating  
11          Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
12          Care for Animals Act or Section 26-5 or 48-1 of the  
13          Criminal Code of 1961 or the Criminal Code of 2012;

14          (2) the Illinois Athletic Trainers Practice Act;

15          (3) the Barber, Cosmetology, Esthetics, Hair Braiding,  
16          and Nail Technology Act of 1985;

17          (4) the Boiler and Pressure Vessel Repairer Regulation  
18          Act;

19          (5) the Boxing and Full-contact Martial Arts Act;

20          (6) the Illinois Certified Shorthand Reporters Act of  
21          1984;

22          (7) the Illinois Farm Labor Contractor Certification  
23          Act;

24          (8) the Interior Design Title Act;

25          (9) the Illinois Professional Land Surveyor Act of  
26          1989;

- 1 (10) the Illinois Landscape Architecture Act of 1989;
- 2 (11) the Marriage and Family Therapy Licensing Act;
- 3 (12) the Private Employment Agency Act;
- 4 (13) the Professional Counselor and Clinical
- 5 Professional Counselor Licensing and Practice Act;
- 6 (14) the Real Estate License Act of 2000;
- 7 (15) the Illinois Roofing Industry Licensing Act;
- 8 (16) the Professional Engineering Practice Act of
- 9 1989;
- 10 (17) the Water Well and Pump Installation Contractor's
- 11 License Act;
- 12 (18) the Electrologist Licensing Act;
- 13 (19) the Auction License Act;
- 14 (20) the Illinois Architecture Practice Act of 1989;
- 15 (21) the Dietitian Nutritionist Practice Act;
- 16 (22) the Environmental Health Practitioner Licensing
- 17 Act;
- 18 (23) the Funeral Directors and Embalmers Licensing
- 19 Code;
- 20 (24) (blank) ~~the Land Sales Registration Act of 1999;~~
- 21 (25) the Professional Geologist Licensing Act;
- 22 (26) the Illinois Public Accounting Act; and
- 23 (27) the Structural Engineering Practice Act of 1989.
- 24 (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;
- 25 97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.
- 26 1-25-13; 98-756, eff. 7-16-14.)

1 (765 ILCS 86/Act rep.)

2 Section 95. The Land Sales Registration Act of 1999 is  
3 repealed.

4 (765 ILCS 101/Act rep.)

5 Section 100. The Real Estate Timeshare Act of 1999 is  
6 repealed.

7 Section 105. The Ticket Sale and Resale Act is amended by  
8 changing Section 1.5 as follows:

9 (815 ILCS 414/1.5) (was 720 ILCS 375/1.5)

10 Sec. 1.5. Sale of tickets at more than face value  
11 prohibited; exceptions.

12 (a) Except as otherwise provided in subsections (b), (c),  
13 (d), (e), and (f-5) of this Section and in Section 4, it is  
14 unlawful for any person, persons, firm or corporation to sell  
15 tickets for baseball games, football games, hockey games,  
16 theatre entertainments, or any other amusement for a price more  
17 than the price printed upon the face of said ticket, and the  
18 price of said ticket shall correspond with the same price shown  
19 at the box office or the office of original distribution.

20 (b) This Act does not apply to the resale of tickets of  
21 admission to a sporting event, theater, musical performance, or  
22 place of public entertainment or amusement of any kind for a

1 price in excess of the printed box office ticket price by a  
2 ticket broker who meets all of the following requirements:

3 (1) The ticket broker is duly registered with the  
4 Office of the Secretary of State on a registration form  
5 provided by that Office. The registration must contain a  
6 certification that the ticket broker:

7 (A) engages in the resale of tickets on a regular  
8 and ongoing basis from one or more permanent or fixed  
9 locations located within this State;

10 (B) maintains as the principal business activity  
11 at those locations the resale of tickets;

12 (C) displays at those locations the ticket  
13 broker's registration;

14 (D) maintains at those locations a listing of the  
15 names and addresses of all persons employed by the  
16 ticket broker;

17 (E) is in compliance with all applicable federal,  
18 State, and local laws relating to its ticket selling  
19 activities, and that neither the ticket broker nor any  
20 of its employees within the preceding 12 months have  
21 been convicted of a violation of this Act; and

22 (F) meets the following requirements:

23 (i) the ticket broker maintains a toll free  
24 number specifically dedicated for Illinois  
25 consumer complaints and inquiries concerning  
26 ticket sales;

1 (ii) the ticket broker has adopted a code that  
2 advocates consumer protection that includes, at a  
3 minimum:

4 (a-1) consumer protection guidelines;

5 (b-1) a standard refund policy. In the  
6 event a refund is due, the ticket broker shall  
7 provide that refund without charge other than  
8 for reasonable delivery fees for the return of  
9 the tickets; and

10 (c-1) standards of professional conduct;

11 (iii) the ticket broker has adopted a  
12 procedure for the binding resolution of consumer  
13 complaints by an independent, disinterested third  
14 party and thereby submits to the jurisdiction of  
15 the State of Illinois; and

16 (iv) the ticket broker has established and  
17 maintains a consumer protection rebate fund in  
18 Illinois in an amount in excess of \$100,000, which  
19 must be cash available for immediate disbursement  
20 for satisfaction of valid consumer complaints.

21 Alternatively, the ticket broker may fulfill the  
22 requirements of subparagraph (F) of this paragraph (1) if  
23 the ticket broker certifies that he or she belongs to a  
24 professional association organized under the laws of this  
25 State, or organized under the laws of any other state and  
26 authorized to conduct business in Illinois, that has been

1 in existence for at least 3 years prior to the date of that  
2 broker's registration with the Office of the Secretary of  
3 State, and is specifically dedicated, for and on behalf of  
4 its members, to provide and maintain the consumer  
5 protection requirements of subparagraph (F) of this  
6 paragraph (1) to maintain the integrity of the ticket  
7 brokerage industry.

8 (2) (Blank).

9 (3) The ticket broker and his employees must not engage  
10 in the practice of selling, or attempting to sell, tickets  
11 for any event while sitting or standing near the facility  
12 at which the event is to be held or is being held unless  
13 the ticket broker or his or her employees are on property  
14 they own, lease, or have permission to occupy.

15 (4) The ticket broker must comply with all requirements  
16 of the Retailers' Occupation Tax Act and collect and remit  
17 all other applicable federal, State and local taxes in  
18 connection with the ticket broker's ticket selling  
19 activities.

20 (5) Beginning January 1, 1996, no ticket broker shall  
21 advertise for resale any tickets within this State unless  
22 the advertisement contains the name of the ticket broker  
23 and the Illinois registration number issued by the Office  
24 of the Secretary of State under this Section.

25 (6) Each ticket broker registered under this Act shall  
26 pay an annual registration fee of \$100.

1           (c) This Act does not apply to the sale of tickets of  
2 admission to a sporting event, theater, musical performance, or  
3 place of public entertainment or amusement of any kind for a  
4 price in excess of the printed box office ticket price by a  
5 reseller engaged in interstate or intrastate commerce on an  
6 Internet auction listing service duly registered ~~with the~~  
7 ~~Department of Financial and Professional Regulation under the~~  
8 ~~Auction License Act and~~ with the Office of the Secretary of  
9 State on a registration form provided by that Office. This  
10 subsection (c) applies to both sales through an online bid  
11 submission process and sales at a fixed price on the same  
12 website or interactive computer service as an Internet auction  
13 listing service ~~registered with the Department of Financial and~~  
14 ~~Professional Regulation.~~

15           This subsection (c) applies to resales described in this  
16 subsection only if the operator of the Internet auction listing  
17 service meets the following requirements:

18           (1) the operator maintains a listing of the names and  
19 addresses of its corporate officers;

20           (2) the operator is in compliance with all applicable  
21 federal, State, and local laws relating to ticket selling  
22 activities, and the operator's officers and directors have  
23 not been convicted of a violation of this Act within the  
24 preceding 12 months;

25           (3) the operator maintains, either itself or through an  
26 affiliate, a toll free number dedicated for consumer



1 complaints;

2 (4) the operator provides consumer protections that  
3 include at a minimum:

4 (A) consumer protection guidelines;

5 (B) a standard refund policy that guarantees to all  
6 purchasers that it will provide and in fact provides a  
7 full refund of the amount paid by the purchaser  
8 (including, but not limited to, all fees, regardless of  
9 how characterized) if the following occurs:

10 (i) the ticketed event is cancelled and the  
11 purchaser returns the tickets to the seller or  
12 Internet auction listing service; however,  
13 reasonable delivery fees need not be refunded if  
14 the previously disclosed guarantee specifies that  
15 the fees will not be refunded if the event is  
16 cancelled;

17 (ii) the ticket received by the purchaser does  
18 not allow the purchaser to enter the ticketed event  
19 for reasons that may include, without limitation,  
20 that the ticket is counterfeit or that the ticket  
21 has been cancelled by the issuer due to  
22 non-payment, unless the ticket is cancelled due to  
23 an act or omission by such purchaser;

24 (iii) the ticket fails to conform to its  
25 description on the Internet auction listing  
26 service; or

1 (iv) the ticket seller willfully fails to send  
2 the ticket or tickets to the purchaser, or the  
3 ticket seller attempted to deliver the ticket or  
4 tickets to the purchaser in the manner required by  
5 the Internet auction listing service and the  
6 purchaser failed to receive the ticket or tickets;  
7 and

8 (C) standards of professional conduct;

9 (5) the operator has adopted an independent and  
10 disinterested dispute resolution procedure that allows  
11 resellers or purchasers to file complaints against the  
12 other and have those complaints mediated or resolved by a  
13 third party, and requires the resellers or purchasers to  
14 submit to the jurisdiction of the State of Illinois for  
15 complaints involving a ticketed event held in Illinois;

16 (6) the operator either:

17 (A) complies with all applicable requirements of  
18 the Retailers' Occupation Tax Act and collects and  
19 remits all applicable federal, State, and local taxes;  
20 or

21 (B) publishes a written notice on the website after  
22 the sale of one or more tickets that automatically  
23 informs the ticket reseller of the ticket reseller's  
24 potential legal obligation to pay any applicable local  
25 amusement tax in connection with the reseller's sale of  
26 tickets, and discloses to law enforcement or other

1 government tax officials, without subpoena, the name,  
2 city, state, telephone number, e-mail address, user ID  
3 history, fraud complaints, and bidding and listing  
4 history of any specifically identified reseller or  
5 purchaser upon the receipt of a verified request from  
6 law enforcement or other government tax officials  
7 relating to a criminal investigation or alleged  
8 illegal activity; and

9 (7) the operator either:

10 (A) has established and maintains a consumer  
11 protection rebate fund in Illinois in an amount in  
12 excess of \$100,000, which must be cash available for  
13 immediate disbursement for satisfaction of valid  
14 consumer complaints; or

15 (B) has obtained and maintains in force an errors  
16 and omissions insurance policy that provides at least  
17 \$100,000 in coverage ~~and proof that the policy has been~~  
18 ~~filed with the Department of Financial and~~  
19 ~~Professional Regulation.~~

20 (d) This Act does not apply to the resale of tickets of  
21 admission to a sporting event, theater, musical performance, or  
22 place of public entertainment or amusement of any kind for a  
23 price in excess of the printed box office ticket price  
24 conducted at an auction solely by or for a not-for-profit  
25 organization for charitable purposes under clause (a)(1) of  
26 Section 10-1 of the Auction License Act.

1           (e) This Act does not apply to the resale of a ticket for  
2 admission to a baseball game, football game, hockey game,  
3 theatre entertainment, or any other amusement for a price more  
4 than the price printed on the face of the ticket and for more  
5 than the price of the ticket at the box office if the resale is  
6 made through an Internet website whose operator meets the  
7 following requirements:

8           (1) the operator has a business presence and physical  
9 street address in the State of Illinois and clearly and  
10 conspicuously posts that address on the website;

11           (2) the operator maintains a listing of the names of  
12 the operator's directors and officers, and is duly  
13 registered with the Office of the Secretary of State on a  
14 registration form provided by that Office;

15           (3) the operator is in compliance with all applicable  
16 federal, State, and local laws relating to its ticket  
17 reselling activities regulated under this Act, and the  
18 operator's officers and directors have not been convicted  
19 of a violation of this Act within the preceding 12 months;

20           (4) the operator maintains a toll free number  
21 specifically dedicated for consumer complaints and  
22 inquiries regarding ticket resales made through the  
23 website;

24           (5) the operator either:

25           (A) has established and maintains a consumer  
26 protection rebate fund in Illinois in an amount in

1 excess of \$100,000, which must be cash available for  
2 immediate disbursement for satisfaction of valid  
3 consumer complaints; or

4 (B) has obtained and maintains in force an errors  
5 and omissions policy of insurance in the minimum amount  
6 of \$100,000 for the satisfaction of valid consumer  
7 complaints;

8 (6) the operator has adopted an independent and  
9 disinterested dispute resolution procedure that allows  
10 resellers or purchasers to file complaints against the  
11 other and have those complaints mediated or resolved by a  
12 third party, and requires the resellers or purchasers to  
13 submit to the jurisdiction of the State of Illinois for  
14 complaints involving a ticketed event held in Illinois;

15 (7) the operator either:

16 (A) complies with all applicable requirements of  
17 the Retailers' Occupation Tax Act and collects and  
18 remits all applicable federal, State, and local taxes;  
19 or

20 (B) publishes a written notice on the website after  
21 the sale of one or more tickets that automatically  
22 informs the ticket reseller of the ticket reseller's  
23 potential legal obligation to pay any applicable local  
24 amusement tax in connection with the reseller's sale of  
25 tickets, and discloses to law enforcement or other  
26 government tax officials, without subpoena, the name,

1 city, state, telephone number, e-mail address, user ID  
2 history, fraud complaints, and bidding and listing  
3 history of any specifically identified reseller or  
4 purchaser upon the receipt of a verified request from  
5 law enforcement or other government tax officials  
6 relating to a criminal investigation or alleged  
7 illegal activity; and

8 (8) the operator guarantees to all purchasers that it  
9 will provide and in fact provides a full refund of the  
10 amount paid by the purchaser (including, but not limited  
11 to, all fees, regardless of how characterized) if any of  
12 the following occurs:

13 (A) the ticketed event is cancelled and the  
14 purchaser returns the tickets to the website operator;  
15 however, reasonable delivery fees need not be refunded  
16 if the previously disclosed guarantee specifies that  
17 the fees will not be refunded if the event is  
18 cancelled;

19 (B) the ticket received by the purchaser does not  
20 allow the purchaser to enter the ticketed event for  
21 reasons that may include, without limitation, that the  
22 ticket is counterfeit or that the ticket has been  
23 cancelled by the issuer due to non-payment, unless the  
24 ticket is cancelled due to an act or omission by the  
25 purchaser;

26 (C) the ticket fails to conform to its description

1 on the website; or

2 (D) the ticket seller willfully fails to send the  
3 ticket or tickets to the purchaser, or the ticket  
4 seller attempted to deliver the ticket or tickets to  
5 the purchaser in the manner required by the website  
6 operator and the purchaser failed to receive the ticket  
7 or tickets.

8 Nothing in this subsection (e) shall be deemed to imply any  
9 limitation on ticket sales made in accordance with subsections  
10 (b), (c), and (d) of this Section or any limitation on sales  
11 made in accordance with Section 4.

12 (f) The provisions of subsections (b), (c), (d), and (e) of  
13 this Section apply only to the resale of a ticket after the  
14 initial sale of that ticket. No reseller of a ticket may refuse  
15 to sell tickets to another ticket reseller solely on the basis  
16 that the purchaser is a ticket reseller or ticket broker  
17 authorized to resell tickets pursuant to this Act.

18 (f-5) In addition to the requirements imposed under  
19 subsections (b), (c), (d), (e), and (f) of this Section, ticket  
20 brokers and resellers must comply with the requirements of this  
21 subsection. Before accepting any payment from a purchaser, a  
22 ticket broker or reseller must disclose to the purchaser in a  
23 clear, conspicuous, and readily noticeable manner the  
24 following information:

25 (1) the registered name and city of the event venue;

26 (2) that the ticket broker or reseller is not the event

1 venue box office or its licensed ticket agent, but is,  
2 instead, a ticket broker or reseller and that lost or  
3 stolen tickets may be reissued only by ticket brokers or  
4 resellers;

5 (3) whether it is registered under this Act; and

6 (4) its refund policy, name, and contact information.

7 Before selling and accepting payment for a ticket, a ticket  
8 broker or reseller must require the purchaser to acknowledge by  
9 an affirmative act the disclosures required under this  
10 subsection. The disclosures required by this subsection must be  
11 made in a clear and conspicuous manner, appear together, and be  
12 preceded by the heading "IMPORTANT NOTICE" which must be in  
13 bold face font that is larger than the font size of the  
14 required disclosures.

15 Ticket brokers and resellers must guarantee a full refund  
16 of the amount paid by the purchaser, including handling and  
17 delivery fees, if any of the following occurs:

18 (1) the ticket received by the purchaser does not grant  
19 the purchaser admission to the event described on the  
20 ticket, unless it is due to an act or omission by the  
21 purchaser;

22 (2) the ticket fails to conform substantially to its  
23 description as advertised; or

24 (3) the event for which the ticket has been resold is  
25 cancelled and not rescheduled.

26 This subsection (f-5) does not apply to an Internet auction



1 listing service ~~registered with the Department of Financial and~~  
2 ~~Professional Regulation as required under the Auction License~~  
3 ~~Act.~~

4 (g) The provisions of Public Act 89-406 are severable under  
5 Section 1.31 of the Statute on Statutes.

6 (h) The provisions of this amendatory Act of the 94th  
7 General Assembly are severable under Section 1.31 of the  
8 Statute on Statutes.

9 (Source: P.A. 99-431, eff. 1-1-16.)

10 Section 999. Effective date. This Act takes effect upon  
11 becoming law.