SYNOPSIS AS INTRODUCED:

Amends the Real Estate License Act of 2000. Makes changes in provisions concerning definitions; the expiration and renewal of a managing broker, broker, or residential leasing agent license; continuing education requirements; sponsoring brokers; agency relationship disclosure; dual agency; grounds for discipline; citations; licensing of education providers; approval of courses; and the Real Estate Administration and Disciplinary Board. Provides that on January 1, 2021, or as soon thereafter as practical, the State Comptroller shall direct and the State Treasurer shall transfer the remaining balance from the Real Estate Audit Fund into the Real Estate License Administration Fund. Amends the State Finance Act to repeal provisions creating the Real Estate Audit Fund as a special fund in the State Treasury. Repeals the Real Estate Regulation Transfer Act. Effective immediately.
AN ACT concerning regulation.

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

Section 5. The State Finance Act is amended by changing Section 5.557 as follows:

(30 ILCS 105/5.557)

Sec. 5.557. The Real Estate Audit Fund. This Section is repealed on July 1, 2021.
(Source: P.A. 92-217, eff. 8-2-01; 92-651, eff. 7-11-02.)

Section 10. The Real Estate License Act of 2000 is amended by changing Sections 1-10, 5-10, 5-50, 5-70, 15-35, 15-45, 20-20, 20-20.1, 20-110, 25-10, 30-15, and 30-25 and by adding Section 25-38 as follows:

(225 ILCS 454/1-10)

(Section scheduled to be repealed on January 1, 2030)

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


"Address of record" means the designated address recorded by the Department in the applicant's or licensee's application file or license file as maintained by the Department.
"Agency" means a relationship in which a broker or licensee, whether directly or through an affiliated licensee, represents a consumer by the consumer's consent, whether express or implied, in a real property transaction.

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

"Blind advertisement" means any real estate advertisement that is used by a licensee regarding the sale or lease of real estate, licensed activities, or the hiring of any licensee under this Act that does not include the sponsoring broker's complete business name or, in the case of electronic advertisements, does not provide a direct link to a display with all the required disclosures. The broker's business name in the case of a franchise shall include the franchise affiliation as well as the name of the individual firm.

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

"Broker" means an individual, entity, corporation, foreign or domestic partnership, limited liability company, registered limited liability partnership, or other business entity other than a residential leasing agent who, whether in person or through any media or technology, for another and for compensation, or with the intention or expectation of receiving compensation, either directly or indirectly:
(1) Sells, exchanges, purchases, rents, or leases real estate.

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

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

(4) Lists, offers, attempts, or agrees to list real estate for sale, rent, lease, or exchange.

(5) Whether for another or themselves, engages in a pattern of business of buying, selling, offering to buy or sell, marketing for sale, exchanging, or otherwise dealing in contracts, including assignable contracts for the purchase or sale of, or options on real estate or improvements thereon. For purposes of this definition, an individual or entity will be found to have engaged in a pattern of business if the individual or entity by itself or with any combination of other individuals or entities, whether as partners or common owners in another entity, has engaged in one or more of these practices on 2 or more occasions in any 12-month period.

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

(7) Advertises or represents himself or herself as being engaged in the business of buying, selling, exchanging, renting, or leasing real estate.
(8) Assists or directs in procuring or referring of leads or prospects, intended to result in the sale, exchange, lease, or rental of real estate.

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

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

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

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

"Brokerage agreement" means a written or oral agreement between a sponsoring broker and a consumer for licensed activities to be provided to a consumer in return for compensation or the right to receive compensation from another. Brokerage agreements may constitute either a bilateral or a unilateral agreement between the broker and the broker's client depending upon the content of the brokerage agreement. All exclusive brokerage agreements shall be in writing.

"Broker price opinion" means an estimate or analysis of the probable selling price of a particular interest in real estate, which may provide a varying level of detail about the property's condition, market, and neighborhood and information
on comparable sales. The activities of a real estate broker or
managing broker engaging in the ordinary course of business as
a broker, as defined in this Section, shall not be considered a
broker price opinion if no compensation is paid to the broker
or managing broker, other than compensation based upon the sale
or rental of real estate. A broker price opinion shall not be
considered an appraisal within the meaning of the Real Estate
Appraiser Licensing Act of 2002, any amendment to that Act, or
any successor Act.

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

"Comparative market analysis" means an analysis or opinion
regarding pricing, marketing, or financial aspects relating to
a specified interest or interests in real estate that may be
based upon an analysis of comparative market data, the
expertise of the real estate broker or managing broker, and
such other factors as the broker or managing broker may deem
appropriate in developing or preparing such analysis or
opinion. The activities of a real estate broker or managing
broker engaging in the ordinary course of business as a broker,
as defined in this Section, shall not be considered a
comparative market analysis if no compensation is paid to the
broker or managing broker, other than compensation based upon
the sale or rental of real estate. A comparative market
analysis shall not be considered an appraisal within the
meaning of the Real Estate Appraiser Licensing Act of 2002, any
amendment to that Act, or any successor Act.

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

(1) commissions;
(2) referral fees;
(3) bonuses;
(4) prizes;
(5) merchandise;
(6) finder fees;
(7) performance of services;
(8) coupons or gift certificates;
(9) discounts;
(10) rebates;
(11) a chance to win a raffle, drawing, lottery, or similar game of chance not prohibited by any other law or statute;
(12) retainer fee; or
(13) salary.

"Confidential information" means information obtained by a licensee from a client during the term of a brokerage agreement that (i) was made confidential by the written request or written instruction of the client, (ii) deals with the negotiating position of the client, or (iii) is information the
disclosure of which could materially harm the negotiating position of the client, unless at any time:

1. the client permits the disclosure of information given by that client by word or conduct;
2. the disclosure is required by law; or
3. the information becomes public from a source other than the licensee.

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

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

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

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

"Customer" means a consumer who is not being represented by the licensee.

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

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

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

"Designated managing broker" means a managing broker who has supervisory responsibilities for licensees in one or, in the case of a multi-office company, more than one office and who has been appointed as such by the sponsoring broker registered with the Department.

"Director" means the Director of Real Estate within the Department of Financial and Professional Regulation.

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

"Education provider" means a school licensed by the Department offering courses in pre-license, post-license, or continuing education required by this Act.

"Employee" or other derivative of the word "employee", when used to refer to, describe, or delineate the relationship between a sponsoring broker and a managing broker, broker, or a residential leasing agent, shall be construed to include an independent contractor relationship, provided that a written agreement exists that clearly establishes and states the relationship.
"Escrow moneys" means all moneys, promissory notes or any other type or manner of legal tender or financial consideration deposited with any person for the benefit of the parties to the transaction. A transaction exists once an agreement has been reached and an accepted real estate contract signed or lease agreed to by the parties. Escrow moneys includes without limitation earnest moneys and security deposits, except those security deposits in which the person holding the security deposit is also the sole owner of the property being leased and for which the security deposit is being held.

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

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

"Inactive" means a status of licensure where the licensee holds a current license under this Act, but the licensee is prohibited from engaging in licensed activities because the licensee is unsponsored or the license of the sponsoring broker with whom the licensee is associated or by whom he or she is employed is currently expired, revoked, suspended, or
otherwise rendered invalid under this Act. The license of any
business entity that is not in good standing with the Illinois
Secretary of State, or is not authorized to conduct business in
Illinois, shall immediately become inactive and that entity
shall be prohibited from engaging in any licensed activities.

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

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

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

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

"Listing presentation" means any communication, written or
oral and by any means or media, between a managing broker or
broker and a consumer in which the licensee is attempting to
secure a brokerage agreement with the consumer to market the
consumer's real estate for sale or lease.

"Managing broker" means a licensee who may be authorized to
assume responsibilities as a designated managing broker for
licensees in one or, in the case of a multi-office company,
more than one office, upon appointment by the sponsoring broker
and registration with the Department. A managing broker may act
as his or her own sponsor.
"Medium of advertising" means any method of communication intended to influence the general public to use or purchase a particular good or service or real estate, including, but not limited to, print, electronic, social media, and digital forums.

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

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

"Proctor" means any person, including, but not limited to, an instructor, who has a written agreement to administer examinations fairly and impartially with a licensed education provider.

"Real estate" means and includes leaseholds as well as any other interest or estate in land, whether corporeal, incorporeal, freehold, or non-freehold and whether the real estate is situated in this State or elsewhere. "Real estate" does not include property sold, exchanged, or leased as a timeshare or similar vacation item or interest, vacation club
membership, or other activity formerly regulated under the Real
Estate Timeshare Act of 1999 (repealed).

"Regular employee" means a person working an average of 20
hours per week for a person or entity who would be considered
as an employee under the Internal Revenue Service rules for
classifying workers.

"Renewal period" means the period beginning 90 days prior
to the expiration date of a license.

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

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

"Sponsoring broker" means the broker who certifies to the
Department his, her, or its sponsorship of a licensed managing
broker, broker, or a residential leasing agent.

"Sponsorship" means that a sponsoring broker has certified
to the Department that a managing broker, broker, or
residential leasing agent named thereon is employed by or
associated by written agreement with the sponsoring broker and
the Department has registered the sponsorship, as provided for
in Section 5-40 of this Act.

"Team" means any 2 or more licensees who work together to
provide real estate brokerage services, represent themselves
to the public as being part of a team or group, are identified
by a team name that is different than their sponsoring broker's
name, and together are supervised by the same managing broker
and sponsored by the same sponsoring broker. "Team" does not
mean a separately organized, incorporated, or legal entity.
(Source: P.A. 100-188, eff. 1-1-18; 100-534, eff. 9-22-17;
100-831, eff. 1-1-19; 100-863, eff. 8-14-18; 101-357, eff.
8-9-19.)

(225 ILCS 454/5-10)
(Section scheduled to be repealed on January 1, 2030)
Sec. 5-10. Requirements for license as a residential
leasing agent; continuing education.
(a) Every applicant for licensure as a residential leasing
agent must meet the following qualifications:
(1) be at least 18 years of age;
(2) be of good moral character;
(3) successfully complete a 4-year course of study in a
high school or secondary school or an equivalent course of
study approved by the state in which the school is located,
or possess a high school equivalency certificate, which
shall be verified under oath by the applicant;
(4) personally take and pass a written examination
authorized by the Department sufficient to demonstrate the
applicant's knowledge of the provisions of this Act
relating to residential leasing agents and the applicant's
competence to engage in the activities of a licensed residential leasing agent;

(5) provide satisfactory evidence of having completed 15 hours of instruction in an approved course of study relating to the leasing of residential real property. The Board may recommend to the Department the number of hours each topic of study shall require. The course of study shall, among other topics, cover the provisions of this Act applicable to residential leasing agents; fair housing and human rights issues relating to residential leasing; advertising and marketing issues; leases, applications, and credit and criminal background reports; owner-tenant relationships and owner-tenant laws; the handling of funds; and environmental issues relating to residential real property;

(6) complete any other requirements as set forth by rule; and

(7) present a valid application for issuance of an initial license accompanied by fees specified by rule.

(b) No applicant shall engage in any of the activities covered by this Act without a valid license and until a valid sponsorship has been registered with the Department.

(c) Successfully completed course work, completed pursuant to the requirements of this Section, may be applied to the course work requirements to obtain a managing broker's or broker's license as provided by rule. The Board may recommend
to the Department and the Department may adopt requirements for approved courses, course content, and the approval of courses, instructors, and education providers, as well as education provider and instructor fees. The Department may establish continuing education requirements for residential licensed leasing agents, by rule, consistent with the language and intent of this Act, with the advice of the Board.

(d) The continuing education requirement for residential leasing agents shall consist of a single core curriculum to be prescribed by the Department as recommended by the Board. Leasing agents shall be required to complete no less than 8 hours of continuing education in the core curriculum during the term of the license for each 2-year renewal period. The curriculum shall, at a minimum, consist of a single course or courses on the subjects of fair housing and human rights issues related to residential leasing, advertising and marketing issues, leases, applications, credit reports, and criminal history, the handling of funds, owner-tenant relationships and owner-tenant laws, and environmental issues relating to residential real estate.

(Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

(225 ILCS 454/5-50)

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

Sec. 5-50. Expiration and renewal of managing broker, broker, or residential leasing agent license; sponsoring
broker; register of licensees.

(a) The expiration date and renewal period for each license issued under this Act shall be set by rule. Except as otherwise provided in this Section, the holder of a license may renew the license within 90 days preceding the expiration date thereof by completing the continuing education required by this Act and paying the fees specified by rule.

(b) An individual whose first license is that of a broker received on or after the effective date of this amendatory Act of the 101st General Assembly, must provide evidence of having completed 45 hours of post-license education presented in a classroom or a live, interactive webinar, or online distance education course, and which shall require passage of a final examination.

The Board may recommend, and the Department shall approve, 45 hours of post-license education, consisting of three 15-hour post-license courses, one each that covers applied brokerage principles, risk management/discipline, and transactional issues. Each of the courses shall require its own 50-question final examination, which shall be administered by the education provider that delivers the course.

Individuals whose first license is that of a broker received on or after the effective date of this amendatory Act of the 101st General Assembly, must complete all three 15-hour courses and successfully pass a course final examination for each course prior to the date of the next broker renewal
deadline, except for those individuals who receive their first license within the 180 days preceding the next broker renewal deadline, who must complete all three 15-hour courses and successfully pass a course final examination for each course prior to the second broker renewal deadline that follows the receipt of their license.

(c) Any managing broker, broker, or residential leasing agent whose license under this Act has expired shall be eligible to renew the license during the 2-year period following the expiration date, provided the managing broker, broker, or residential leasing agent pays the fees as prescribed by rule and completes continuing education and other requirements provided for by the Act or by rule. A managing broker, broker, or residential leasing agent whose license has been expired for more than 2 years but less than 5 years may have it restored by (i) applying to the Department, (ii) paying the required fee, (iii) completing the continuing education requirements for the most recent term of licensure pre-renewal period that ended prior to the date of the application for reinstatement, and (iv) filing acceptable proof of fitness to have his or her license restored, as set by rule. A managing broker, broker, or residential leasing agent whose license has been expired for more than 5 years shall be required to meet the requirements for a new license.

(d) Notwithstanding any other provisions of this Act to the contrary, any managing broker, broker, or residential leasing
agent whose license expired while he or she was (i) on active
duty with the Armed Forces of the United States or called into
service or training by the state militia, (ii) engaged in
training or education under the supervision of the United
States preliminary to induction into military service, or (iii)
serving as the Coordinator of Real Estate in the State of
Illinois or as an employee of the Department may have his or
her license renewed, reinstated or restored without paying any
lapsed renewal fees if within 2 years after the termination of
the service, training or education by furnishing the Department
with satisfactory evidence of service, training, or education
and it has been terminated under honorable conditions.

(e) Each licensee shall carry on his or her person his or
her license or an electronic version thereof.

(f) The Department shall provide to the sponsoring broker a
notice of renewal for all sponsored licensees by mailing the
notice to the sponsoring broker's address of record, or, at the
Department's discretion, emailing the notice to the sponsoring
broker's email address of record.

(g) Upon request from the sponsoring broker, the Department
shall make available to the sponsoring broker, by electronic
means at the discretion of the Department, a listing of
licensees under this Act who, according to the records of the
Department, are sponsored by that broker. Every licensee
associated with or employed by a broker whose license is
revoked, suspended, or expired shall be considered inactive
until such time as the sponsoring broker's license is reinstated or renewed, or a new valid sponsorship is registered with the Department the licensee changes employment as set forth in subsection (b) (c) of Section 5-40 of this Act.

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

(i) The Department shall not issue a license if the applicant has an unpaid fine imposed by the Department for unlicensed practice until the fine is paid to the Department or the applicant has entered into a payment plan and is current on the required payments.

(Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

(225 ILCS 454/5-70)

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

Sec. 5-70. Continuing education requirement; managing broker or broker.

(a) The requirements of this Section apply to all managing brokers and brokers.

(b) Except as otherwise provided in this Section, each person who applies for renewal of his or her license as a managing broker or broker must successfully complete 12 hours
of real estate continuing education courses recommended by the Board and approved by the Department during the current term of the license. In addition, those licensees renewing or obtaining a managing broker's license must successfully complete a 12-hour broker management continuing education course approved by the Department during the current term of the license. The broker management continuing education course must be completed in the classroom or through a live, interactive webinar or online distance education format. No license may be renewed except upon the successful completion of the required courses or their equivalent or upon a waiver of those requirements for good cause shown as determined by the Secretary upon the recommendation of the Board. The requirements of this Article are applicable to all managing brokers and brokers except those managing brokers and brokers who, during the term of the license renewal period:

(1) serve in the armed services of the United States;
(2) serve as an elected State or federal official;
(3) serve as a full-time employee of the Department; or
(4) are admitted to practice law pursuant to Illinois Supreme Court rule.

(c) (Blank).

(d) A person receiving an initial license during the 90 days before the renewal date shall not be required to complete the continuing education courses provided for in subsection (b) of this Section as a condition of initial license renewal.
(e) The continuing education requirement for brokers and managing brokers shall consist of a single core curriculum and an elective curriculum, to be recommended by the Board and approved by the Department in accordance with this subsection. The core curriculum shall not be further divided into subcategories or divisions of instruction. The core curriculum shall consist of 4 hours during the current term of the license on subjects that may include, but are not limited to, advertising, agency, disclosures, escrow, fair housing, residential leasing agent management, and license law. The amount of time allotted to each of these subjects shall be recommended by the Board and determined by the Department. The Department, upon the recommendation of the Board, shall review the core curriculum every 4 years, at a minimum, and shall revise the curriculum if necessary. However, the core curriculum's total hourly requirement shall only be subject to change by amendment of this subsection, and any change to the core curriculum shall not be effective for a period of 6 months after such change is made by the Department. The Department shall provide notice to all approved education providers of any changes to the core curriculum. When determining whether revisions of the core curriculum's subjects or specific time requirements are necessary, the Board shall consider recent changes in applicable laws, new laws, and areas of the license law and the Department policy that the Board deems appropriate, and any other subject areas the Board deems timely and
applicable in order to prevent violations of this Act and to protect the public. In establishing a recommendation to the Department regarding the elective curriculum, the Board shall consider subjects that cover the various aspects of the practice of real estate that are covered under the scope of this Act.

(f) The subject areas of continuing education courses recommended by the Board and approved by the Department shall be meant to protect the professionalism of the industry, the consumer, and the public and prevent violations of this Act and may include without limitation the following:

(1) license law and escrow;
(2) antitrust;
(3) fair housing;
(4) agency;
(5) appraisal;
(6) property management;
(7) residential brokerage;
(8) farm property management;
(9) transaction management rights and duties of parties in a transaction;
(10) commercial brokerage and leasing;
(11) real estate financing;
(12) disclosures;
(13) residential leasing agent management;
(14) advertising;
(15) broker supervision and managing designated broker responsibility;
(16) professional conduct; and
(17) use of technology.

(g) In lieu of credit for those courses listed in subsection (f) of this Section, credit may be earned for serving as a licensed instructor in an approved course of continuing education. The amount of credit earned for teaching a course shall be the amount of continuing education credit for which the course is approved for licensees taking the course.

(h) Credit hours may be earned for self-study programs approved by the Department.

(i) A managing broker or broker may earn credit for a specific continuing education course only once during the current term of the license.

(j) No more than 12 hours of continuing education credit may be taken in one calendar day.

(k) To promote the offering of a uniform and consistent course content, the Department may provide for the development of a single broker management course to be offered by all education providers who choose to offer the broker management continuing education course. The Department may contract for the development of the 12-hour broker management continuing education course with an outside vendor or consultant and, if the course is developed in this manner, the Department or the outside consultant shall license the use of that course to all
approved education providers who wish to provide the course.

(1) Except as specifically provided in this Act, continuing education credit hours may not be earned for completion of pre-license or post-license courses. The courses comprising the approved 45-hour post-license curriculum for broker licensees shall satisfy the continuing education requirement for the initial broker license term period in which the courses are taken. The approved 45-hour managing broker pre-license brokerage administration and management course shall satisfy the 12-hour broker management continuing education requirement for the initial managing broker license term in which the course is taken.

(Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

(225 ILCS 454/15-35)

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

Sec. 15-35. Agency relationship disclosure.

(a) A licensee acting as a designated agent shall advise a consumer in writing, no later than beginning to work as a designated agent on behalf of the consumer, of the following:

(1) That a designated agency relationship exists, unless there is written agreement between the sponsoring broker and the consumer providing for a different agency relationship; and

(2) The name or names of his or her designated agent or agents on the written disclosure, which can be included in
a brokerage agreement or be a separate document, a copy of
which is retained by the sponsoring broker real estate
brokerage firm for the licensee.

(b) The licensee representing the consumer shall discuss
with the consumer the sponsoring broker's compensation and
policy with regard to cooperating with brokers who represent
other parties in a transaction.

(c) A licensee shall disclose in writing to a customer that
the licensee is not acting as the agent of the customer at a
time intended to prevent disclosure of confidential
information from a customer to a licensee, but in no event
later than the preparation of an offer to purchase or lease
real property.

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

Sec. 15-45. Dual agency.

(a) An individual licensee may act as a dual agent or a
sponsoring broker may permit one or more of its sponsored
licensees to act as dual agents in the same transaction only
with the informed written consent of all clients. Informed
written consent shall be presumed to have been given by any
client who signs a document that includes the following:

"The undersigned (insert name(s)), ("Licensee"), may
undertake a dual representation (represent both the seller
or landlord and the buyer or tenant) for the sale or lease of property. The undersigned acknowledge they were informed of the possibility of this type of representation. Before signing this document please read the following: Representing more than one party to a transaction presents a conflict of interest since both clients may rely upon Licensee's advice and the client's respective interests may be adverse to each other. Licensee will undertake this representation only with the written consent of ALL clients in the transaction. Any agreement between the clients as to a final contract price and other terms is a result of negotiations between the clients acting in their own best interests and on their own behalf. You acknowledge that Licensee has explained the implications of dual representation, including the risks involved, and understand that you have been advised to seek independent advice from your advisors or attorneys before signing any documents in this transaction.

WHAT A LICENSEE CAN DO FOR CLIENTS WHEN ACTING AS A DUAL AGENT

1. Treat all clients honestly.
2. Provide information about the property to the buyer or tenant.
3. Disclose all latent material defects in the property that are known to the Licensee.
4. Disclose financial qualification of the buyer or tenant.
to the seller or landlord.

5. Explain real estate terms.

6. Help the buyer or tenant to arrange for property inspections.


8. Help the buyer compare financing alternatives.

9. Provide information about comparable properties that have sold so both clients may make educated decisions on what price to accept or offer.

WHAT LICENSEE CANNOT DISCLOSE TO CLIENTS WHEN ACTING AS A DUAL AGENT

1. Confidential information that Licensee may know about a client, without that client's permission.

2. The price or terms the seller or landlord will take other than the listing price without permission of the seller or landlord.

3. The price or terms the buyer or tenant is willing to pay without permission of the buyer or tenant.

4. A recommended or suggested price or terms the buyer or tenant should offer.

5. A recommended or suggested price or terms the seller or landlord should counter with or accept.

If either client is uncomfortable with this disclosure and dual representation, please let Licensee know. You are not required to sign this document unless you want to allow Licensee to proceed as a Dual Agent in this transaction. By
signing below, you acknowledge that you have read and understand this form and voluntarily consent to Licensee acting as a Dual Agent (that is, to represent BOTH the seller or landlord and the buyer or tenant) should that become necessary."

(b) The dual agency disclosure form provided for in subsection (a) of this Section must be presented by a licensee, who offers dual representation, to the client at the time the brokerage agreement is entered into and may be signed by the client at that time or at any time before the licensee acts as a dual agent as to the client.

(c) A licensee acting in a dual agency capacity in a transaction must obtain a written confirmation from the licensee's clients of their prior consent for the licensee to act as a dual agent in the transaction. This confirmation should be obtained at the time the clients are executing any offer or contract to purchase or lease in a transaction in which the licensee is acting as a dual agent. This confirmation may be included in another document, such as a contract to purchase, in which case the client must not only sign the document but also initial the confirmation of dual agency provision. That confirmation must state, at a minimum, the following:

"The undersigned confirm that they have previously consented to (insert name(s)), ("Licensee"), acting as a Dual Agent in providing brokerage services on their behalf
and specifically consent to Licensee acting as a Dual Agent in regard to the transaction referred to in this document."

(d) No cause of action shall arise on behalf of any person against a dual agent for making disclosures allowed or required by this Article, and the dual agent does not terminate any agency relationship by making the allowed or required disclosures.

(e) In the case of dual agency, each client and the licensee possess only actual knowledge and information. There shall be no imputation of knowledge or information among or between clients, brokers, or their affiliated licensees.

(f) In any transaction, a licensee may without liability withdraw from representing a client who has not consented to a disclosed dual agency. The withdrawal shall not prejudice the ability of the licensee to continue to represent the other client in the transaction or limit the licensee from representing the client in other transactions. When a withdrawal as contemplated in this subsection (f) occurs, the licensee shall not receive a referral fee for referring a client to another licensee unless written disclosure is made to both the withdrawing client and the client that continues to be represented by the licensee.

(g) A licensee shall not serve as a dual agent in any transaction in which the licensee, or an entity in which the licensee has an interest, is a party to the transaction.

(Source: P.A. 101-357, eff. 8-9-19.)
Sec. 20-20. Nature of and grounds for discipline.

(a) The Department may refuse to issue or renew a license, may place on probation, suspend, or revoke any license, reprimand, or take any other disciplinary or non-disciplinary action as the Department may deem proper and impose a fine not to exceed $25,000 upon any licensee or applicant under this Act or any person who holds himself or herself out as an applicant or licensee or against a licensee in handling his or her own property, whether held by deed, option, or otherwise, for any one or any combination of the following causes:

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

(2) The licensee's conviction of or plea of guilty or plea of nolo contendere to: (A) a felony or misdemeanor in this State or any other jurisdiction; or (B) the entry of an administrative sanction by a government agency in this State or any other jurisdiction. Action taken under this paragraph (2) for a misdemeanor or an administrative sanction is limited to a misdemeanor or administrative sanction that has as an essential element dishonesty or fraud or involves larceny, embezzlement, or obtaining money, property, or credit by false pretenses or by means
of a confidence game.

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

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

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

(6) Engaging in the practice of real estate brokerage without a license or after the licensee's license or temporary permit was expired or while the license was inactive, revoked, or suspended.

(7) Cheating on or attempting to subvert the Real Estate License Exam or a continuing education course or examination.
(8) Aiding or abetting an applicant to subvert or cheat on the Real Estate License Exam or continuing education exam administered pursuant to this Act.

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

(10) Making any substantial misrepresentation or untruthful advertising.

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

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

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

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

(15) Representing or attempting to represent, or performing licensed activities for, a broker other than the sponsoring broker.

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

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

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

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

The account shall be noninterest bearing, unless the
correct character of the deposit is such that payment of interest
thereon is otherwise required by law or unless the
principal parties to the transaction specifically require, in
writing, that the deposit be placed in an interest-bearing
account.

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

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

(20) Failure of a sponsoring broker or licensee to
timely provide sponsorship or termination of sponsorship
information to the Department.

(21) Engaging in dishonorable, unethical, or
unprofessional conduct of a character likely to deceive,
defraud, or harm the public, including, but not limited to,
conduct set forth in rules adopted by the Department.

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

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

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

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

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

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

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

(29) A licensee under this Act or an unlicensed individual offering guaranteed sales plans, as defined in Section 10-50, except to the extent set forth in Section 10-50.

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

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

(32) Inducing any party to a contract of sale or lease or brokerage agreement to break the contract of sale or lease or brokerage agreement for the purpose of substituting, in lieu thereof, a new contract for sale or lease or brokerage agreement with a third party.

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

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

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

(36) (Blank).

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

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

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

(40) Disregarding or violating any provision of this
Act or the published rules adopted by the Department to
enforce this Act or aiding or abetting any individual,
foreign or domestic partnership, registered limited
liability partnership, limited liability company,
corporation, or other business entity in disregarding any
provision of this Act or the published rules adopted by the
Department to enforce this Act.

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

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

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

(44) Permitting any residential leasing agent or
temporary residential leasing agent permit holder to
engage in activities that require a broker's or managing
broker's license.

(45) Failing to notify the Department of any criminal
conviction that occurs during the licensee's term of
licensure within 30 days after the conviction.

(46) A designated managing broker's failure to provide
an appropriate written company policy or failure to perform
any of the duties set forth in Section 10-55.

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

(c) (Blank).

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

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

If the Department or Board finds an individual unable to
practice because of the reasons set forth in this Section, the
Department or Board may require that individual to submit to
care, counseling, or treatment by physicians approved or
designated by the Department or Board, as a condition, term, or
restriction for continued, reinstated, or renewed licensure to
practice; or, in lieu of care, counseling, or treatment, the
Department may file, or the Board may recommend to the
Department to file, a complaint to immediately suspend, revoke,
or otherwise discipline the license of the individual. An
individual whose license was granted, continued, reinstated,
renewed, disciplined or supervised subject to such terms,
conditions, or restrictions, and who fails to comply with such terms, conditions, or restrictions, shall be referred to the Secretary for a determination as to whether the individual shall have his or her license suspended immediately, pending a hearing by the Department.

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

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

(Source: P.A. 100-22, eff. 1-1-18; 100-188, eff. 1-1-18; 100-534, eff. 9-22-17; 100-831, eff. 1-1-19; 100-863, eff. 8-14-18; 100-872, eff. 8-14-18; 101-81, eff. 7-12-19; 101-357, eff. 8-9-19.)

(225 ILCS 454/20-20.1)

(Section scheduled to be repealed on January 1, 2030)
Sec. 20-20.1. Citations.

(a) The Department may adopt rules to permit the issuance of citations to any licensee for failure to comply with the continuing education requirements set forth in this Act or as adopted by rule. The citation shall be issued to the licensee, and a copy shall be sent to his or her designated managing broker and sponsoring broker. The citation shall contain the licensee's name and address, the licensee's license number, the number of required hours of continuing education that have not been successfully completed by the licensee's renewal deadline within the renewal period, and the penalty imposed, which shall not exceed $2,000. The issuance of any such citation shall not excuse the licensee from completing all continuing education required for that term of licensure renewal period.

(b) Service of a citation shall be made by in person, electronically, or by mail to the licensee at the licensee's address of record or email address of record, and must clearly state that if the cited licensee wishes to dispute the citation, he or she may make a written request, within 30 days after the citation is served, for a hearing before the Department. If the cited licensee does not request a hearing within 30 days after the citation is served, then the citation shall become a final, non-disciplinary order, and any fine imposed is due and payable within 60 days after that final order. If the cited licensee requests a hearing within 30 days
after the citation is served, the Department shall afford the cited licensee a hearing conducted in the same manner as a hearing provided for in this Act for any violation of this Act and shall determine whether the cited licensee committed the violation as charged and whether the fine as levied is warranted. If the violation is found, any fine shall constitute non-public discipline and be due and payable within 30 days after the order of the Secretary, which shall constitute a final order of the Department. No change in license status may be made by the Department until such time as a final order of the Department has been issued.

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

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

(Source: P.A. 101-357, eff. 8-9-19.)

(225 ILCS 454/20-110)

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

Sec. 20-110. Disciplinary actions of the Department not limited. Nothing contained in Sections 20-82 through 20-100 of this Act limits the authority of the Department to
take disciplinary action against any licensee for a violation of this Act or the rules of the Department, nor shall the repayment in full of all obligations to the Real Estate Recovery Fund by any licensee nullify or modify the effect of any other disciplinary proceeding brought pursuant to this Act.

(Source: P.A. 96-856, eff. 12-31-09.)

(225 ILCS 454/25-10)

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

Sec. 25-10. Real Estate Administration and Disciplinary Board; duties. There is created the Real Estate Administration and Disciplinary Board. The Board shall be composed of 15 persons appointed by the Governor. Members shall be appointed to the Board subject to the following conditions:

(1) All members shall have been residents and citizens of this State for at least 6 years prior to the date of appointment.

(2) Twelve members shall have been actively engaged as managing brokers or brokers or both for at least the 10 years prior to the appointment, 2 of whom must possess an active pre-license instructor license.

(3) Three members of the Board shall be public members who represent consumer interests.

None of these members shall be (i) a person who is licensed under this Act or a similar Act of another jurisdiction, (ii) the spouse or family member of a licensee, (iii) a person who
has an ownership interest in a real estate brokerage business, or (iv) a person the Department determines to have any other connection with a real estate brokerage business or a licensee.

The members' terms shall be for 4 years or until their successor is appointed and expire upon completion of the term. No member shall be reappointed to the Board for a term that would cause his or her cumulative service to the Board to exceed 10 years. Appointments to fill vacancies shall be for the unexpired portion of the term. Those members of the Board that satisfy the requirements of paragraph (2) shall be chosen in a manner such that no area of the State shall be unreasonably represented. In making the appointments, the Governor shall give due consideration to the recommendations by members and organizations of the profession. The Governor may terminate the appointment of any member for cause that in the opinion of the Governor reasonably justifies the termination. Cause for termination shall include without limitation misconduct, incapacity, neglect of duty, or missing 4 board meetings during any one calendar year. Each member of the Board may receive a per diem stipend in an amount to be determined by the Secretary. Each member shall be paid his or her necessary expenses while engaged in the performance of his or her duties. Such compensation and expenses shall be paid out of the Real Estate License Administration Fund. The Secretary shall consider the recommendations of the Board on questions involving standards of professional conduct, discipline,
education, and policies and procedures under this Act. With regard to this subject matter, the Secretary may establish temporary or permanent committees of the Board and may consider the recommendations of the Board on matters that include, but are not limited to, criteria for the licensing and renewal of education providers, pre-license and continuing education instructors, pre-license and continuing education curricula, standards of educational criteria, and qualifications for licensure and renewal of professions, courses, and instructors. The Department, after notifying and considering the recommendations of the Board, if any, may issue rules, consistent with the provisions of this Act, for the administration and enforcement thereof and may prescribe forms that shall be used in connection therewith. Eight Board members shall constitute a quorum. A quorum is required for all Board decisions.

The Board shall elect annually, at its first meeting of the fiscal year, a vice chairperson who shall preside, with voting privileges, at meetings if the chairperson is not present.

(Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18; 100-886, eff. 8-14-18.)

(225 ILCS 454/25-38 new)

Sec. 25-38. Real Estate Audit Fund. Notwithstanding any other provision of law, in addition to any other transfers that may be provided by law, on January 1, 2021, or as soon
thereafter as practical, the State Comptroller shall direct and
the State Treasurer shall transfer the remaining balance from
the Real Estate Audit Fund into the Real Estate License
Administration Fund. Upon completion of the transfer, the Real
Estate Audit Fund is dissolved, and any future deposits due to
that Fund and any outstanding obligations or liabilities of
that Fund pass to the Real Estate License Administration Fund.

(225 ILCS 454/30-15)
(Section scheduled to be repealed on January 1, 2030)
Sec. 30-15. Licensing of education providers; approval of
courses.
(a) (Blank).
(b) (Blank).
(c) (Blank).
(d) (Blank).
(e) (Blank).
(f) All education providers shall submit, at the time of
initial application and with each license renewal, a list of
courses with course materials that comply with the course
requirements in this Act to be offered by the education
provider. The Department may establish an online mechanism by
which education providers may submit for approval by the
Department upon the recommendation of the Board or its designee
pre-license, post-license, or continuing education courses
that are submitted after the time of the education provider's
initial license application or renewal. The Department shall provide to each education provider a certificate for each approved pre-license, post-license, or continuing education course. All pre-license, post-license, or continuing education courses shall be valid for the period coinciding with the term of license of the education provider. However, in no case shall a course continue to be valid if it does not, at all times, meet all of the requirements of the core curriculum established by this Act and the Board, as modified from time to time in accordance with this Act. All education providers shall provide a copy of the certificate of the pre-license, post-license, or continuing education course within the course materials given to each student or shall display a copy of the certificate of the pre-license, post-license, or continuing education course in a conspicuous place at the location of the class.

(g) Each education provider shall provide to the Department a report in a frequency and format determined by the Department, with information concerning students who successfully completed all approved pre-license, post-license, or continuing education courses offered by the education provider.

(h) The Department, upon the recommendation of the Board, may temporarily suspend a licensed education provider's approved courses without hearing and refuse to accept successful completion of or participation in any of these pre-license, post-license, or continuing education courses for
education credit from that education provider upon the failure of that education provider to comply with the provisions of this Act or the rules for the administration of this Act, until such time as the Department receives satisfactory assurance of compliance. The Department shall notify the education provider of the noncompliance and may initiate disciplinary proceedings pursuant to this Act. The Department may refuse to issue, suspend, revoke, or otherwise discipline the license of an education provider or may withdraw approval of a pre-license, post-license, or continuing education course for good cause. Failure to comply with the requirements of this Section or any other requirements established by rule shall be deemed to be good cause. Disciplinary proceedings shall be conducted by the Board in the same manner as other disciplinary proceedings under this Act.

(i) Pre-license, post-license, and continuing education courses, whether submitted for approval at the time of an education provider's initial application for licensure or otherwise, must meet the following minimum course requirements:

(1) Continuing education courses No continuing education course shall be required to be at least one hour taught in increments longer than 2 hours in duration. For however, for each one hour of course time in each course, there shall be a minimum of 50 minutes of instruction.

(2) All core curriculum courses shall be provided only
in the classroom or through a live, interactive webinar or
online distance education format.

(3) Courses provided through a live, interactive
webinar shall require all participants to demonstrate
their attendance in and attention to the course by
answering or responding to at least one polling question
per 50 minutes of course instruction.

(4) All participants in courses provided in an online
distance education format shall demonstrate proficiency
with the subject matter of the course through verifiable
responses to questions included in the course content.

(5) Credit for courses completed in a classroom or
through a live, interactive webinar or online distance
education format shall not require an examination.

(6) Credit for courses provided through
correspondence, or by home study, shall require the passage
of an in-person, proctored examination.

(j) The Department is authorized to engage a third party as
the Board's designee to perform the functions specifically
provided for in subsection (f) of this Section, namely that of
administering the online system for receipt, review, and
approval or denial of new courses.

(k) The Department may adopt any administrative rule
consistent with the language and intent of this Act that may be
necessary for the implementation and enforcement of this
Section.
Sec. 30-25. Licensing of education provider instructors.

(a) No person shall act as either a pre-license or continuing education instructor without possessing a valid pre-license or continuing education instructor license and satisfying any other qualification criteria adopted by the Department by rule.

(a-5) Each person with a valid pre-license instructor license may teach pre-license, post-license, continuing education core curriculum, continuing education elective curriculum, or broker management education courses if they meet specific criteria adopted by the Department by rule. Those persons who have not met the criteria or who only possess a valid continuing education instructor license shall only teach continuing education elective curriculum courses. Any person with a valid continuing education instructor license who wishes to teach continuing education core curriculum or broker management continuing education courses must obtain a valid pre-license instructor license.

(b) Every person who desires to obtain an education provider instructor's license shall attend and successfully complete a one-day instructor development workshop, as approved by the Department. However, pre-license instructors
who have complied with subsection (b) of this Section 30-25 shall not be required to complete the instructor workshop in order to teach continuing education elective curriculum courses.

(b-5) The term of licensure for a pre-license or continuing education instructor shall be 2 years, with renewal dates adopted by rule. Every person who desires to obtain a pre-license or continuing education instructor license shall make application to the Department in a manner prescribed by the Department, accompanied by the fee adopted by rule. In addition to any other information required to be contained in the application, every application for an original license shall include the applicant's Social Security number, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

Every application for a renewal or restored license shall require the applicant's customer identification number.

The Department shall issue a pre-license or continuing education instructor license to applicants who meet qualification criteria established by this Act or rule.

(c) The Department may refuse to issue, suspend, revoke, or otherwise discipline a pre-license or continuing education instructor for good cause. Disciplinary proceedings shall be conducted by the Board in the same manner as other disciplinary
proceedings under this Act. All pre-license instructors must teach at least one pre-license or continuing education core curriculum course within the period of licensure as a requirement for renewal of the instructor's license. All continuing education instructors must teach at least one course within the period of licensure or take an instructor training program approved by the Department in lieu thereof as a requirement for renewal of the instructor's license.

(d) Each course transcript submitted by an education provider to the Department shall include the name and license number of the pre-license or continuing education instructor for the course.

(e) Licensed education provider instructors may teach for more than one licensed education provider.

(f) The Department may adopt any administrative rule consistent with the language and intent of this Act that may be necessary for the implementation and enforcement of this Section.

(Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

(225 ILCS 454/25-21 rep.)

Section 15. The Real Estate License Act of 2000 is amended by repealing Section 25-21.

(225 ILCS 456/Act rep.)

Section 20. The Real Estate Regulation Transfer Act is
repealed.

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