



Rep. Martin J. Moylan

Filed: 3/3/2023

10300HB2207ham001

LRB103 27667 SPS 57816 a

1 AMENDMENT TO HOUSE BILL 2207

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 2207 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Auction License Act is amended by changing  
5 Sections 10-30, 10-40, 10-50, 20-15, 20-43, 20-50, 20-65, and  
6 30-30 and by adding Sections 20-110, 20-115, 25-110, and  
7 25-115 as follows:

8 (225 ILCS 407/10-30)

9 (Section scheduled to be repealed on January 1, 2030)

10 Sec. 10-30. Expiration, renewal, and continuing education.

11 (a) License expiration dates, renewal periods, renewal  
12 fees, and procedures for renewal of licenses issued under this  
13 Act shall be set by rule of the Department. An entity may renew  
14 its license by paying the required fee and by meeting the  
15 renewal requirements adopted by the Department under this  
16 Section.

1           (b) All renewal applicants must provide proof as  
2 determined by the Department of having met the continuing  
3 education requirements by the deadline set forth by the  
4 Department by rule. At a minimum, the rules shall require an  
5 applicant for renewal licensure as an auctioneer to provide  
6 proof of the completion of at least 12 hours of continuing  
7 education during the pre-renewal period established by the  
8 Department for completion of continuing education from schools  
9 approved by the Department, as established by rule.

10           (c) The Department, in its discretion, may waive  
11 enforcement of the continuing education requirements of this  
12 Section and shall adopt rules defining the standards and  
13 criteria for such waiver.

14           (d) (Blank).

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

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

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

2 (225 ILCS 407/10-40)

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

4 Sec. 10-40. Restoration.

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

13 (b) Notwithstanding any other provisions of this Act to  
14 the contrary, any licensee whose license under this Act has  
15 expired is eligible to restore such license without paying any  
16 lapsed fees and penalties if the license expired while the  
17 licensee was:

18 (1) on active duty with the United States Army, United  
19 States Marine Corps, United States Navy, United States Air  
20 Force, United States Coast Guard, the State Militia called  
21 into service or training;

22 (2) engaged in training or education under the  
23 supervision of the United States prior to induction into  
24 military service; or

25 (3) serving as an employee of the Department, while

1 the employee was required to surrender the ~~his or her~~  
2 license ~~due to a possible conflict of interest.~~

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

11 (c) At any time after the suspension, revocation,  
12 placement on probationary status, or other disciplinary action  
13 taken under this Act with reference to any license, the  
14 Department may restore the license to the licensee without  
15 examination upon the order of the Secretary, if the licensee  
16 submits a properly completed application, pays the appropriate  
17 fees, and otherwise complies with the conditions of the order.  
18 (Source: P.A. 101-345, eff. 8-9-19.)

19 (225 ILCS 407/10-50)

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

21 Sec. 10-50. Fees; disposition of funds.

22 (a) The Department shall establish by rule a schedule of  
23 fees for the administration and maintenance of this Act. Such  
24 fees shall be nonrefundable.

25 (b) Prior to July 1, 2023, all fees collected under this

1 Act shall be deposited into the General Professions Dedicated  
2 Fund and appropriated to the Department for the ordinary and  
3 contingent expenses of the Department in the administration of  
4 this Act. Beginning on July 1, 2023, all fees, fines,  
5 penalties, or other monies received or collected pursuant to  
6 this Act shall be deposited in the Division of Real Estate  
7 General Fund. On or after July 1, 2023, the balance of funds  
8 collected pursuant to this Act that is in the General  
9 Professions Dedicated Fund shall be transferred into the  
10 Division of Real Estate General Fund.

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

12 (225 ILCS 407/20-15)

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

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

23 (1) False or fraudulent representation or material  
24 misstatement in furnishing information to the Department  
25 in obtaining or seeking to obtain a license.

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

3           (3) Conviction of or entry of a plea of guilty or nolo  
4 contendere, as set forth in subsection (c) of Section  
5 10-5, to any crime that is a felony or misdemeanor under  
6 the laws of the United States or any state or territory  
7 thereof, or entry of an administrative sanction by a  
8 government agency in this State or any other jurisdiction.

9           (3.5) Failing to notify the Department, within 30 days  
10 after the occurrence, of the information required in  
11 subsection (c) of Section 10-5.

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

16           (5) Discipline of a licensee by another state, the  
17 District of Columbia, a territory of the United States, a  
18 foreign nation, a governmental agency, or any other entity  
19 authorized to impose discipline if at least one of the  
20 grounds for that discipline is the same as or the  
21 equivalent to one of the grounds for discipline set forth  
22 in this Act or for failing to report to the Department,  
23 within 30 days, any adverse final action taken against the  
24 licensee by any other licensing jurisdiction, government  
25 agency, law enforcement agency, or court, or liability for  
26 conduct that would constitute grounds for action as set

1           forth in this Act.

2           (6) Engaging in the practice of auctioneering,  
3           conducting an auction, or providing an auction service  
4           without a license or after the license was expired,  
5           revoked, suspended, or terminated or while the license was  
6           inoperative.

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

10          (8) Directly or indirectly giving to or receiving from  
11          a person, firm, corporation, partnership, or association a  
12          fee, commission, rebate, or other form of compensation for  
13          professional service not actually or personally rendered,  
14          except that an auctioneer licensed under this Act may  
15          receive a fee from another licensed auctioneer from this  
16          State or jurisdiction for the referring of a client or  
17          prospect for auction services to the licensed auctioneer.

18          (9) Making any substantial misrepresentation or  
19          untruthful advertising.

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

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

25          (12) Any misleading or untruthful advertising, or  
26          using any trade name or insignia of membership in any

1           auctioneer association or organization of which the  
2           licensee is not a member.

3           (13) Commingling funds of others with the licensee's  
4           own funds or failing to keep the funds of others in an  
5           escrow or trustee account.

6           (14) Failure to account for, remit, or return any  
7           moneys, property, or documents coming into the licensee's  
8           possession that belong to others, acquired through the  
9           practice of auctioneering, conducting an auction, or  
10          providing an auction service within 30 days of the written  
11          request from the owner of said moneys, property, or  
12          documents.

13          (15) Failure to maintain and deposit into a special  
14          account, separate and apart from any personal or other  
15          business accounts, all moneys belonging to others  
16          entrusted to a licensee while acting as an auctioneer,  
17          auction firm, or as a temporary custodian of the funds of  
18          others.

19          (16) Failure to make available to Department personnel  
20          during normal business hours all escrow and trustee  
21          records and related documents maintained in connection  
22          with the practice of auctioneering, conducting an auction,  
23          or providing an auction service within 24 hours after a  
24          request from Department personnel.

25          (17) Making or filing false records or reports in the  
26          licensee's practice, including, but not limited to, false



1 records or reports filed with State agencies.

2 (18) Failing to voluntarily furnish copies of all  
3 written instruments prepared by the auctioneer and signed  
4 by all parties to all parties at the time of execution.

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

7 (20) Engaging in any act that constitutes a violation  
8 ~~of Section 2-102, 3-103, or 3-105~~ of the Illinois Human  
9 Rights Act.

10 (21) (Blank).

11 (22) Engaging in dishonorable, unethical, or  
12 unprofessional conduct of a character likely to deceive,  
13 defraud, or harm the public.

14 (23) Offering or advertising real estate for sale or  
15 lease at auction without a valid broker or managing  
16 broker's license under the Real Estate License Act of  
17 1983, or any successor Act, unless exempt from licensure  
18 under the terms of the Real Estate License Act of 2000, or  
19 any successor Act, except as provided in Section 5-32 of  
20 the Real Estate License Act of 2000.

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

24 (25) A pattern of practice or other behavior that  
25 demonstrates incapacity or incompetence to practice under  
26 this Act.

1           (26) Being named as a perpetrator in an indicated  
2 report by the Department of Children and Family Services  
3 under the Abused and Neglected Child Reporting Act and  
4 upon proof by clear and convincing evidence that the  
5 licensee has caused a child to be an abused child or a  
6 neglected child as defined in the Abused and Neglected  
7 Child Reporting Act.

8           (27) Inability to practice with reasonable judgment,  
9 skill, or safety as a result of habitual or excessive use  
10 or addiction to alcohol, narcotics, stimulants, or any  
11 other chemical agent or drug.

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

15           (29) Violating the terms of any order issued by the  
16 Department.

17 (Source: P.A. 101-345, eff. 8-9-19; 102-970, eff. 5-27-22.)

18           (225 ILCS 407/20-43)

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

20           Sec. 20-43. Investigations; notice and hearing. The  
21 Department may investigate the actions or qualifications of  
22 any person who is an applicant, unlicensed person, or person  
23 rendering or offering to render auction services, or holding  
24 or claiming to hold a license as a licensed auctioneer. At  
25 least 30 days before any disciplinary hearing under this Act,

1 the Department shall: (i) notify the person charged ~~accused~~ in  
2 writing of the charges made and the time and place of the  
3 hearing; (ii) direct the person ~~accused~~ to file with the Board  
4 a written answer under oath to the charges within 20 days of  
5 receiving service of the notice; and (iii) inform the person  
6 ~~accused~~ that if the person ~~he or she~~ fails to file an answer to  
7 the charges within 20 days of receiving service of the notice,  
8 ~~a default judgment~~ and the ~~against him or her,~~  
9 ~~or his or her~~ license may be suspended, revoked, placed on  
10 probationary status, or other disciplinary action taken with  
11 regard to the license as the Department may consider proper,  
12 including, but not limited to, limiting the scope, nature, or  
13 extent of the licensee's practice, or imposing a fine.

14 At the time and place of the hearing fixed in the notice,  
15 the Board shall proceed to hear the charges, and the person  
16 ~~accused~~ or person's ~~his or her~~ counsel shall be accorded ample  
17 opportunity to present any pertinent statements, testimony,  
18 evidence, and arguments in the person's ~~his or her~~ defense.  
19 The Board may continue the hearing when it deems it  
20 appropriate.

21 Notice of the hearing may be served by ~~personal delivery,~~  
22 ~~by certified~~ mail, or, at the discretion of the Department, by  
23 an electronic means to the person's ~~licensee's~~ last known  
24 address or email address of record.

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

1 (225 ILCS 407/20-50)

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

3 Sec. 20-50. Findings and recommendations. At the  
4 conclusion of the hearing, the Board shall present to the  
5 Secretary a written report of its findings of fact,  
6 conclusions of law, and recommendations. The report shall  
7 contain a finding whether or not the ~~accused~~ person charged  
8 violated this Act or any rules promulgated pursuant to this  
9 Act. The Board shall specify the nature of any violations and  
10 shall make its recommendations to the Secretary. In making  
11 recommendations for any disciplinary action, the Board may  
12 take into consideration all facts and circumstances bearing  
13 upon the reasonableness of the conduct of the person accused,  
14 including, but not limited to, previous discipline of the  
15 person accused by the Department, intent, degree of harm to  
16 the public and likelihood of future harm to the public, any  
17 restitution made by the person accused, and whether the  
18 incident or incidents contained in the complaint appear to be  
19 isolated or represent a continuing pattern of conduct. In  
20 making its recommendations for discipline, the Board shall  
21 endeavor to ensure that the severity of the discipline  
22 recommended is reasonably proportional to the severity of the  
23 violation.

24 The report of the Board's findings of fact, conclusions of  
25 law, and recommendations shall be the basis for the  
26 Department's decision to refuse to issue, restore, or renew a

1 license, or to take any other disciplinary action. If the  
2 Secretary disagrees with the recommendations of the Board, the  
3 Secretary may issue an order in contravention of the Board  
4 recommendations. The report's findings are not admissible in  
5 evidence against the person in a criminal prosecution brought  
6 for a violation of this Act, but the hearing and findings are  
7 not a bar to a criminal prosecution for the violation of this  
8 Act.

9 If the Secretary disagrees in any regard with the report  
10 of the Advisory Board, the Secretary may issue an order in  
11 contravention of the report. The Secretary shall provide a  
12 written report to the Advisory Board on any deviation and  
13 shall specify with particularity the reasons for that action  
14 in the final order.

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

16 (225 ILCS 407/20-65)

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

18 Sec. 20-65. Restoration of license. At any time after the  
19 suspension, ~~or~~ revocation, or probation of any license, the  
20 Department may restore the license to the ~~accused~~ person upon  
21 the written recommendation of the Advisory Board, unless after  
22 an investigation and a hearing the Advisory Board determines  
23 that restoration is not in the public interest.

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

1 (225 ILCS 407/20-110 new)

2 Sec. 20-110. Cease and desist orders. The Department may  
3 issue a cease and desist order to a person who engages in  
4 activities prohibited by this Act. Any person in violation of  
5 a cease and desist order issued by the Department is subject to  
6 all of the penalties provided by law.

7 (225 ILCS 407/20-115 new)

8 Sec. 20-115. Statute of limitations. No action may be  
9 taken under this Act against a person or entity licensed under  
10 this Act unless the action is commenced within 5 years after  
11 the occurrence of the alleged violation. A continuing  
12 violation is deemed to have occurred on the date when the  
13 circumstances last existed that gave rise to the alleged  
14 continuing violation.

15 (225 ILCS 407/25-110 new)

16 Sec. 25-110. Licensing of auction schools.  
17 (a) Only an auction school licensed by the Department may  
18 provide the continuing education courses required for  
19 licensure under this Act.

20 (b) An auction school may also provide the course required  
21 to obtain the real estate auction certification in Section  
22 5-32 of the Real Estate License Act of 2000. The course shall  
23 be approved by the Real Estate Administration and Disciplinary  
24 Board pursuant to Section 25-10 of the Real Estate License Act

1 of 2000.

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

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

7 (2) a sufficient number of qualified instructors;

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

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

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

15 (6) any other requirements provided by rule.

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

25 (e) An auction school shall provide each successful course  
26 participant with a certificate of completion signed by the

1 school administrator. The format and content of the  
2 certificate shall be specified by rule.

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

6 (225 ILCS 407/25-115 new)

7 Sec. 25-115. Course approval.

8 (a) Only courses that are approved by the Department and  
9 offered by licensed auction schools shall be used to meet the  
10 requirements of this Act and rules.

11 (b) An auction school licensed under this Act may submit  
12 courses to the Department for approval. The criteria,  
13 requirements, and fees for courses shall be established by  
14 rule.

15 (c) For each course approved, the Department shall issue  
16 certification of course approval to the auction school. The  
17 term, expiration date, and renewal of a course approval shall  
18 be established by rule.

19 (225 ILCS 407/30-30)

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

21 Sec. 30-30. Auction Advisory Board.

22 (a) There is hereby created the Auction Advisory Board.  
23 The Advisory Board shall consist of 7 members and shall be  
24 appointed by the Secretary. In making the appointments, the



1 Secretary shall give due consideration to the recommendations  
2 by members and organizations of the industry, including, but  
3 not limited to, the Illinois State Auctioneers Association.  
4 Five members of the Advisory Board shall be licensed  
5 auctioneers. One member shall be a public member who  
6 represents the interests of consumers and who is not licensed  
7 under this Act or the spouse of a person licensed under this  
8 Act or who has any responsibility for management or formation  
9 of policy of or any financial interest in the auctioneering  
10 profession. One member shall be actively engaged in the real  
11 estate industry and licensed as a broker or managing broker.  
12 The Advisory Board shall annually elect, at its first meeting  
13 of the fiscal year, one of its members to serve as Chairperson.

14 (b) The members' terms shall be for 4 years and until a  
15 successor is appointed. No member shall be reappointed to the  
16 Board for a term that would cause the member's cumulative  
17 service to the Board to exceed 12 ~~10~~ years. Appointments to  
18 fill vacancies shall be made by the Secretary for the  
19 unexpired portion of the term. To the extent practicable, the  
20 Secretary shall appoint members to ensure that the various  
21 geographic regions of the State are properly represented on  
22 the Advisory Board. The Secretary shall remove from the Board  
23 any member whose license has been revoked or suspended and may  
24 remove any member of the Board for neglect of duty,  
25 misconduct, incompetence, or for missing 2 board meetings  
26 during any one fiscal year.

1 (c) Four Board members shall constitute a quorum. A quorum  
2 is required for all Board decisions. A vacancy in the  
3 membership of the Board shall not impair the right of a quorum  
4 to exercise all of the rights and perform all of the duties of  
5 the Board.

6 (d) Each member of the Advisory Board may receive a per  
7 diem stipend in an amount to be determined by the Secretary.  
8 While engaged in the performance of duties, each member shall  
9 be reimbursed for necessary expenses.

10 (e) Members of the Advisory Board shall be immune from  
11 suit in an action based upon any disciplinary proceedings or  
12 other acts performed in good faith as members of the Advisory  
13 Board.

14 (f) The Advisory Board shall meet as convened by the  
15 Department.

16 (g) The Advisory Board shall advise the Department on  
17 matters of licensing and education and make recommendations to  
18 the Department on those matters and shall hear and make  
19 recommendations to the Secretary on disciplinary matters that  
20 require a formal evidentiary hearing.

21 (h) The Secretary shall give due consideration to all  
22 recommendations of the Advisory Board.

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

24 Section 10. The Community Association Manager Licensing  
25 and Disciplinary Act is amended by changing Sections 25, 32,

1 60, 85, 95, and 130 as follows:

2 (225 ILCS 427/25)

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

4 Sec. 25. Community Association Manager Licensing and  
5 Disciplinary Board.

6 (a) There is hereby created the Community Association  
7 Manager Licensing and Disciplinary Board, which shall consist  
8 of 7 members appointed by the Secretary. All members must be  
9 residents of the State and must have resided in the State for  
10 at least 5 years immediately preceding the date of  
11 appointment. Five members of the Board must be licensees under  
12 this Act. Two members of the Board shall be owners of, or hold  
13 a shareholder's interest in, a unit in a community association  
14 at the time of appointment who are not licensees under this Act  
15 and have no direct affiliation with the community  
16 association's community association manager. This Board shall  
17 act in an advisory capacity to the Department.

18 (b) The term of each member shall be for 4 years and until  
19 that member's successor is appointed. No member shall be  
20 reappointed to the Board for a term that would cause the  
21 member's cumulative service to the Board to exceed 12 ~~10~~  
22 years. Appointments to fill vacancies shall be made by the  
23 Secretary for the unexpired portion of the term. The Secretary  
24 shall remove from the Board any member whose license has  
25 become void or has been revoked or suspended and may remove any

1 member of the Board for neglect of duty, misconduct, ~~or~~  
2 incompetence, or for missing 2 board meetings during any one  
3 fiscal year. A member who is subject to formal disciplinary  
4 proceedings shall be disqualified from all Board business  
5 until the charge is resolved. A member also shall be  
6 disqualified from any matter on which the member cannot act  
7 objectively.

8 (c) Four Board members shall constitute a quorum. A quorum  
9 is required for all Board decisions. A vacancy in the  
10 membership of the Board shall not impair the right of a quorum  
11 to exercise all of the rights and perform all of the duties of  
12 the Board.

13 (d) The Board shall elect annually, at its first meeting  
14 of the fiscal year, a chairperson and vice chairperson.

15 (e) Each member shall be reimbursed for necessary expenses  
16 incurred in carrying out the duties as a Board member. The  
17 Board may receive a per diem stipend in an amount to be  
18 determined by the Secretary.

19 (f) The Board may recommend policies, procedures, and  
20 rules relevant to the administration and enforcement of this  
21 Act.

22 (g) Members of the Board shall be immune from suit in an  
23 action based upon any disciplinary proceedings or other acts  
24 performed in good faith as members of the Board.

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

1 (225 ILCS 427/32)

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

3 Sec. 32. Social Security Number or Individual Taxpayer  
4 ~~Federal Tax~~ Identification Number on license application. In  
5 addition to any other information required to be contained in  
6 the application, every application for an original license  
7 under this Act shall include the applicant's Social Security  
8 Number or Individual Taxpayer ~~Federal Tax~~ Identification  
9 Number, which shall be retained in the Department's records  
10 pertaining to the license. As soon as practical, the  
11 Department shall assign a customer's identification number to  
12 each applicant for a license.

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

15 (Source: P.A. 97-400, eff. 1-1-12; 98-365, eff. 1-1-14.)

16 (225 ILCS 427/60)

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

18 Sec. 60. Licenses; renewals; restoration; person in  
19 military service.

20 (a) The expiration date, fees, and renewal period for each  
21 license issued under this Act shall be set by rule. The  
22 Department may promulgate rules requiring continuing education  
23 and set all necessary requirements for such, including, but  
24 not limited to, fees, approved coursework, number of hours,  
25 and waivers of continuing education.

1           (b) Any licensee who has an expired license may have the  
2 license restored by applying to the Department and filing  
3 proof acceptable to the Department of fitness to have the  
4 expired license restored, which may include sworn evidence  
5 certifying to active practice in another jurisdiction  
6 satisfactory to the Department, complying with any continuing  
7 education requirements, and paying the required restoration  
8 fee.

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

23           (d) A community association manager or community  
24 association management firm that notifies the Department, in a  
25 manner prescribed by the Department, may place the license on  
26 inactive status for a period not to exceed 2 years and shall be

1 excused from the payment of renewal fees until the person  
2 notifies the Department in writing of the intention to resume  
3 active practice.

4 (e) A community association manager or community  
5 association management firm requesting that the license be  
6 changed from inactive to active status shall be required to  
7 pay the current renewal fee and shall also demonstrate  
8 compliance with the continuing education requirements.

9 (f) No licensee with a nonrenewed or inactive license  
10 status or community association management firm operating  
11 without a designated community association manager shall  
12 provide community association management services as set forth  
13 in this Act.

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

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

23 (i) The Department shall not issue or renew a license if  
24 the applicant or licensee has an unpaid fine or civil penalty  
25 imposed by the Department for unlicensed practice until the  
26 fine or civil penalty is paid to the Department or the

1 applicant or licensee has entered into a payment plan and is  
2 current on the required payments.

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

4 (225 ILCS 427/85)

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

6 Sec. 85. Grounds for discipline; refusal, revocation, or  
7 suspension.

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

16 (1) Material misstatement in furnishing information to  
17 the Department.

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

19 (3) Conviction of or entry of a plea of guilty or plea  
20 of nolo contendere, as set forth in subsection (f) of  
21 Section 40, to (i) a felony or a misdemeanor under the laws  
22 of the United States, any state, or any other jurisdiction  
23 or entry of an administrative sanction by a government  
24 agency in this State or any other jurisdiction or (ii) a  
25 crime that subjects the licensee to compliance with the



1 requirements of the Sex Offender Registration Act; or the  
2 entry of an administrative sanction by a government agency  
3 in this State or any other jurisdiction.

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

7 (5) Professional incompetence.

8 (6) Gross negligence.

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

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

13 (9) Engaging in dishonorable, unethical, or  
14 unprofessional conduct of a character likely to deceive,  
15 defraud, or harm the public as defined by the rules of the  
16 Department, or violating the rules of professional conduct  
17 adopted by the Department.

18 (10) Habitual or excessive use or addiction to  
19 alcohol, narcotics, stimulants, or any other chemical  
20 agent or drug that results in the inability to practice  
21 with reasonable judgment, skill, or safety.

22 (11) Having been disciplined by another state, the  
23 District of Columbia, a territory, a foreign nation, or a  
24 governmental agency authorized to impose discipline if at  
25 least one of the grounds for the discipline is the same or  
26 substantially equivalent of one of the grounds for which a

1 licensee may be disciplined under this Act. A certified  
2 copy of the record of the action by the other state or  
3 jurisdiction shall be prima facie evidence thereof.

4 (12) Directly or indirectly giving to or receiving  
5 from any person, firm, corporation, partnership, or  
6 association any fee, commission, rebate, or other form of  
7 compensation for any services not actually or personally  
8 rendered.

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

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

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

23 (16) Physical illness or mental illness or impairment  
24 that results in the inability to practice the profession  
25 with reasonable judgment, skill, or safety.

26 (17) Solicitation of professional services by using

1 false or misleading advertising.

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

4 (19) Practicing or attempting to practice under a name  
5 other than the full name as shown on the license or any  
6 other legally authorized name unless approved by the  
7 Department.

8 (20) Gross overcharging for professional services  
9 including, but not limited to, (i) collection of fees or  
10 moneys for services that are not rendered; and (ii)  
11 charging for services that are not in accordance with the  
12 contract between the licensee and the community  
13 association.

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

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

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

25 (24) Performing and charging for services without  
26 reasonable authorization to do so from the person or

1 entity for whom service is being provided.

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

5 (26) Purporting to be a designated community  
6 association manager of a firm without active participation  
7 in the firm and having been designated as such.

8 (27) Failing to make available to the Department at  
9 the time of the request any indicia of licensure issued  
10 under this Act.

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

14 (29) Violating the terms of any ~~a disciplinary~~ order  
15 issued by the Department.

16 (30) Operating a community association management firm  
17 without a designated community association manager who  
18 holds an active community association manager license.

19 (31) For a designated community association manager,  
20 failing to meet the requirements for acting as a  
21 designated community association manager.

22 (32) Failing to disclose to a community association  
23 any compensation received by a licensee from a third party  
24 in connection with or related to a transaction entered  
25 into by the licensee on behalf of the community  
26 association.

1           (33) Failing to disclose to a community association,  
2           at the time of making the referral, that a licensee (A) has  
3           greater than a 1% ownership interest in a third party to  
4           which it refers the community association; or (B) receives  
5           or may receive dividends or other profit sharing  
6           distributions from a third party, other than a publicly  
7           held or traded company, to which it refers the community  
8           association.

9           (b) (Blank).

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

20          (d) In accordance with subsection (g) of Section 2105-15  
21          of the Department of Professional Regulation Law of the Civil  
22          Administrative Code of Illinois (20 ILCS 2105/2105-15), the  
23          Department may refuse to issue or renew or may suspend the  
24          license of any person who fails to file a return, to pay the  
25          tax, penalty, or interest shown in a filed return, or to pay  
26          any final assessment of tax, penalty, or interest, as required

1 by any tax Act administered by the Department of Revenue,  
2 until such time as the requirements of that tax Act are  
3 satisfied.

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

17 (f) (Blank).

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

19 (225 ILCS 427/95)

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

21 Sec. 95. Investigation; notice and hearing. The  
22 Department may investigate the actions or qualifications of a  
23 person, which includes an entity, ~~or other business~~ applying  
24 for, holding or claiming to hold, or holding oneself out as  
25 having a license or rendering or offering to render services

1 for which a license is required by this Act ~~and may notify~~  
2 ~~their designated community association manager, if any, of the~~  
3 ~~pending investigation.~~ Before suspending, revoking, placing on  
4 probationary status, or taking any other disciplinary action  
5 as the Department may deem proper with regard to any license,  
6 at least 30 days before the date set for the hearing, the  
7 Department shall (i) notify the person charged ~~accused~~ and the  
8 person's ~~their~~ designated community association manager, if  
9 any, in writing of any charges made and the time and place for  
10 a hearing on the charges before the Board, (ii) direct the  
11 person ~~accused~~ to file a written answer to the charges with the  
12 Board under oath within 20 days after the service on the person  
13 ~~accused~~ of such notice, and (iii) inform the person ~~accused~~  
14 that if the person ~~accused~~ fails to file an answer, default  
15 will be taken against the person ~~accused~~ and the license of the  
16 person ~~accused~~ may be suspended, revoked, placed on  
17 probationary status, or other disciplinary action taken with  
18 regard to the license, including limiting the scope, nature,  
19 or extent of related practice, as the Department may deem  
20 proper. The Department shall serve notice under this Section  
21 by regular or electronic mail to the person's ~~applicant's or~~  
22 ~~licensee's~~ last address of record or email address of record  
23 as provided to the Department. If the person ~~accused~~ fails to  
24 file an answer after receiving notice, the license may, in the  
25 discretion of the Department, be suspended, revoked, or placed  
26 on probationary status, or the Department may take whatever

1 disciplinary action deemed proper, including limiting the  
2 scope, nature, or extent of the person's practice or the  
3 imposition of a fine, without a hearing, if the act or acts  
4 charged constitute sufficient grounds for such action under  
5 this Act. The answer shall be served by ~~personal delivery or~~  
6 regular mail or electronic mail to the Department. At the time  
7 and place fixed in the notice, the Department shall proceed to  
8 hear the charges and the parties or their counsel shall be  
9 accorded ample opportunity to present such statements,  
10 testimony, evidence, and argument as may be pertinent to the  
11 charges or to the defense thereto. The Department may continue  
12 such hearing from time to time. At the discretion of the  
13 Secretary after having first received the recommendation of  
14 the Board, the ~~accused~~ person's license may be suspended,  
15 revoked, or placed on probationary status or the Department  
16 may take whatever disciplinary action considered proper,  
17 including limiting the scope, nature, or extent of the  
18 person's practice or the imposition of a fine if the act or  
19 acts charged constitute sufficient grounds for that action  
20 under this Act. A copy of the Department's final disciplinary  
21 order shall be delivered to the person's ~~accused's~~ designated  
22 community association manager or may be sent to the community  
23 association that, if the accused is directly employs the  
24 person employed by a community association, to the board of  
25 ~~managers of that association if known to the Department.~~

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



1 (225 ILCS 427/130)

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

3 Sec. 130. Restoration of ~~suspended or revoked~~ license. At  
4 any time after the successful completion of a term of  
5 suspension, ~~or~~ revocation, or probation of a license, the  
6 Department may restore it to the licensee, upon the written  
7 recommendation of the Board, unless after an investigation and  
8 a hearing the Board determines that restoration is not in the  
9 public interest.

10 (Source: P.A. 96-726, eff. 7-1-10.)

11 Section 15. The Home Inspector License Act is amended by  
12 changing Sections 5-10, 5-14, 5-16, 5-17, 15-10, 15-11, 15-15,  
13 and 25-27 as follows:

14 (225 ILCS 441/5-10)

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

16 Sec. 5-10. Application for home inspector license.

17 (a) Every natural person who desires to obtain a home  
18 inspector license shall:

19 (1) apply to the Department in a manner prescribed by  
20 the Department and accompanied by the required fee; all  
21 applications shall contain the information that, in the  
22 judgment of the Department, enables the Department to pass  
23 on the qualifications of the applicant for a license to

1 practice as a home inspector as set by rule;

2 (2) be at least 18 years of age;

3 (3) successfully complete a 4-year course of study in  
4 a high school or secondary school or an equivalent course  
5 of study approved by the state in which the school is  
6 located, or possess a State of Illinois High School  
7 Diploma, which shall be verified under oath by the  
8 applicant;

9 (4) personally take and pass a written examination ~~and~~  
10 ~~a field examination~~ authorized by the Department; and

11 (5) prior to taking the examination, provide evidence  
12 to the Department that the applicant has successfully  
13 completed the prerequisite classroom hours of instruction  
14 in home inspection, as established by rule.

15 (b) The Department shall not require applicants to report  
16 the following information and shall not consider the following  
17 criminal history records in connection with an application for  
18 licensure or registration:

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

23 (2) law enforcement records, court records, and  
24 conviction records of an individual who was 17 years old  
25 at the time of the offense and before January 1, 2014,  
26 unless the nature of the offense required the individual

1 to be tried as an adult;

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

4 (4) records of arrest where the charges were dismissed  
5 unless related to the practice of the profession; however,  
6 applicants shall not be asked to report any arrests, and  
7 an arrest not followed by a conviction shall not be the  
8 basis of denial and may be used only to assess an  
9 applicant's rehabilitation;

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

11 (6) convictions or arrests that have been sealed or  
12 expunged.

13 (c) An applicant or licensee shall report to the  
14 Department, in a manner prescribed by the Department, upon  
15 application and within 30 days after the occurrence, if during  
16 the term of licensure, (i) any conviction of or plea of guilty  
17 or nolo contendere to forgery, embezzlement, obtaining money  
18 under false pretenses, larceny, extortion, conspiracy to  
19 defraud, or any similar offense or offenses or any conviction  
20 of a felony involving moral turpitude, (ii) the entry of an  
21 administrative sanction by a government agency in this State  
22 or any other jurisdiction that has as an essential element  
23 dishonesty or fraud or involves larceny, embezzlement, or  
24 obtaining money, property, or credit by false pretenses, or  
25 (iii) a crime that subjects the licensee to compliance with  
26 the requirements of the Sex Offender Registration Act.

1 (d) Applicants have 3 years after the date of the  
2 application to complete the application process. If the  
3 process has not been completed within 3 years, the application  
4 shall be denied, the fee forfeited, and the applicant must  
5 reapply and meet the requirements in effect at the time of  
6 reapplication.

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

8 (225 ILCS 441/5-14)

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

10 Sec. 5-14. Social Security Number or Individual Taxpayer  
11 Identification Number on license application. In addition to  
12 any other information required to be contained in the  
13 application, every application for an original, renewal,  
14 reinstated, or restored license under this Act shall include  
15 the applicant's Social Security Number or Individual Taxpayer  
16 Identification Number.

17 (Source: P.A. 97-226, eff. 7-28-11.)

18 (225 ILCS 441/5-16)

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

20 Sec. 5-16. Renewal of license.

21 (a) The expiration date and renewal period for a home  
22 inspector license issued under this Act shall be set by rule.  
23 Except as otherwise provided in subsections (b) and (c) of  
24 this Section, the holder of a license may renew the license

1 within 90 days preceding the expiration date by:

2 (1) completing and submitting to the Department a  
3 renewal application in a manner prescribed by the  
4 Department;

5 (2) paying the required fees; and

6 (3) providing evidence of successful completion of the  
7 continuing education requirements through courses approved  
8 by the Department given by education providers licensed by  
9 the Department, as established by rule.

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

15 (c) Notwithstanding subsection (b), a home inspector whose  
16 license under this Act has expired may renew the license  
17 without paying any lapsed renewal fees or late penalties and  
18 without completing the continuing education requirements for  
19 that licensure period if ~~(i)~~ the license expired while the  
20 home inspector was (i) in federal service on active duty with  
21 the Armed Forces of the United States or called into service or  
22 training with the State Militia, (ii) in training or education  
23 under the supervision of the United States preliminary to  
24 induction into the military service, or (iii) serving as an  
25 employee of the Department and within 2 years after the  
26 termination of the service, training, or education, the

1 licensee furnishes the Department with satisfactory evidence  
2 of service, training, or education and was terminated under  
3 honorable conditions ~~on active duty with the United States~~  
4 ~~Armed Services, (ii) application for renewal is made within 2~~  
5 ~~years following the termination of the military service or~~  
6 ~~related education, training, or employment, and (iii) the~~  
7 ~~applicant furnishes to the Department an affidavit that the~~  
8 ~~applicant was so engaged.~~

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

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

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

26 (g) A home inspector who notifies the Department, in a

1 manner prescribed by the Department, may place the license on  
2 inactive status for a period not to exceed 2 years and shall be  
3 excused from the payment of renewal fees until the person  
4 notifies the Department in writing of the intention to resume  
5 active practice.

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

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

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

14 (225 ILCS 441/5-17)

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

16 Sec. 5-17. Renewal of home inspector license; entity.

17 (a) The expiration date and renewal period for a home  
18 inspector license for an entity that is not a natural person  
19 shall be set by rule. The holder of a license may renew the  
20 license within 90 days preceding the expiration date by  
21 completing and submitting to the Department a renewal  
22 application in a manner prescribed by the Department and  
23 paying the required fees.

24 (b) An entity that is not a natural person whose license  
25 under this Act has expired may renew the license for a period

1 of 2 years following the expiration date by complying with the  
2 requirements of subsection (a) of this Section and paying any  
3 late penalties established by rule.

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

10 (d) The Department shall not issue or renew a license if  
11 the applicant or licensee has an unpaid fine or civil penalty  
12 imposed by the Department for unlicensed practice until the  
13 fine or civil penalty is paid to the Department or the  
14 applicant or licensee has entered into a payment plan and is  
15 current on the required payments.

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

17 (225 ILCS 441/15-10)

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

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

20 (a) The Department may refuse to issue or renew, or may  
21 revoke, suspend, place on probation, reprimand, or take other  
22 disciplinary or non-disciplinary action as the Department may  
23 deem appropriate, including imposing fines not to exceed  
24 \$25,000 for each violation upon any licensee or applicant  
25 under this Act or any person or entity who holds oneself out as



1 an applicant or licensee, ~~with regard to any license~~ for any  
2 one or combination of the following:

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) Failing to meet the minimum qualifications for  
7 licensure as a home inspector established by this Act.

8 (3) Paying money, other than for the fees provided for  
9 by this Act, or anything of value to an employee of the  
10 Department to procure licensure under this Act.

11 (4) Conviction of, or plea of guilty or nolo  
12 contendere, or finding as enumerated in subsection (c) of  
13 Section 5-10, under the laws of any jurisdiction of the  
14 United States: (i) that is a felony, misdemeanor, or  
15 administrative sanction, or (ii) that is a crime that  
16 subjects the licensee to compliance with the requirements  
17 of the Sex Offender Registration Act.

18 (5) Committing an act or omission involving  
19 dishonesty, fraud, or misrepresentation with the intent to  
20 substantially benefit the licensee or another person or  
21 with the intent to substantially injure another person.

22 (6) Violating a provision or standard for the  
23 development or communication of home inspections as  
24 provided in Section 10-5 of this Act or as defined in the  
25 rules.

26 (7) Failing or refusing to exercise reasonable

1 diligence in the development, reporting, or communication  
2 of a home inspection report, as defined by this Act or the  
3 rules.

4 (8) Violating a provision of this Act or the rules.

5 (9) Having been disciplined by another state, the  
6 District of Columbia, a territory, a foreign nation, a  
7 governmental agency, or any other entity authorized to  
8 impose discipline if at least one of the grounds for that  
9 discipline is the same as or substantially equivalent to  
10 one of the grounds for which a licensee may be disciplined  
11 under this Act.

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

15 (11) Accepting an inspection assignment when the  
16 employment itself is contingent upon the home inspector  
17 reporting a predetermined analysis or opinion, or when the  
18 fee to be paid is contingent upon the analysis, opinion,  
19 or conclusion reached or upon the consequences resulting  
20 from the home inspection assignment.

21 (12) Developing home inspection opinions or  
22 conclusions based on the race, color, religion, sex,  
23 national origin, ancestry, age, marital status, family  
24 status, physical or mental disability, military status,  
25 unfavorable discharge from military status, sexual  
26 orientation, order of protection status, ~~or~~ pregnancy, or

1        any other protected class as defined under the Illinois  
2 Human Rights Act, of the prospective or present owners or  
3 occupants of the area or property under home inspection.

4            (13) Being adjudicated liable in a civil proceeding on  
5 grounds of fraud, misrepresentation, or deceit. In a  
6 disciplinary proceeding based upon a finding of civil  
7 liability, the home inspector shall be afforded an  
8 opportunity to present mitigating and extenuating  
9 circumstances, but may not collaterally attack the civil  
10 adjudication.

11           (14) Being adjudicated liable in a civil proceeding  
12 for violation of a State or federal fair housing law.

13           (15) Engaging in misleading or untruthful advertising  
14 or using a trade name or insignia of membership in a home  
15 inspection organization of which the licensee is not a  
16 member.

17           (16) Failing, within 30 days, to provide information  
18 in response to a written request made by the Department.

19           (17) Failing to include within the home inspection  
20 report the home inspector's license number and the date of  
21 expiration of the license. The names of (i) all persons  
22 who conducted the home inspection; and (ii) all persons  
23 who prepared the subsequent written evaluation or any part  
24 thereof must be disclosed in the report. It is a violation  
25 of this Act for a home inspector to sign a home inspection  
26 report knowing that the names of all such persons have not

1           been disclosed in the home inspection report.

2           (18) Advising a client as to whether the client should  
3           or should not engage in a transaction regarding the  
4           residential real property that is the subject of the home  
5           inspection.

6           (19) Performing a home inspection in a manner that  
7           damages or alters the residential real property that is  
8           the subject of the home inspection without the consent of  
9           the owner.

10          (20) Performing a home inspection when the home  
11          inspector is providing or may also provide other services  
12          in connection with the residential real property or  
13          transaction, or has an interest in the residential real  
14          property, without providing prior written notice of the  
15          potential or actual conflict and obtaining the prior  
16          consent of the client as provided by rule.

17          (21) Aiding or assisting another person in violating  
18          any provision of this Act or rules adopted under this Act.

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

23          (23) A finding by the Department that the licensee,  
24          after having the license placed on probationary status,  
25          has violated the terms of probation.

26          (24) Willfully making or filing false records or

1 reports related to the practice of home inspection,  
2 including, but not limited to, false records filed with  
3 State agencies or departments.

4 (25) Charging for professional services not rendered,  
5 including filing false statements for the collection of  
6 fees for which services are not rendered.

7 (26) Practicing under a false or, except as provided  
8 by law, an assumed name.

9 (27) Cheating on or attempting to subvert the  
10 licensing examination administered under this Act.

11 (28) Engaging in any of the following prohibited  
12 fraudulent, false, deceptive, or misleading advertising  
13 practices:

14 (i) advertising as a home inspector or operating a  
15 home inspection business entity unless there is a duly  
16 licensed home inspector responsible for all inspection  
17 activities and all inspections;

18 (ii) advertising that contains a misrepresentation  
19 of facts or false statements regarding the licensee's  
20 professional achievements, degrees, training, skills,  
21 or qualifications in the home inspection profession or  
22 any other profession requiring licensure;

23 (iii) advertising that makes only a partial  
24 disclosure of relevant facts related to pricing or  
25 home inspection services; and

26 (iv) advertising that claims this State or any of

1           its political subdivisions endorse the home inspection  
2           report or its contents.

3           (29) Disclosing, except as otherwise required by law,  
4           inspection results or client information obtained without  
5           the client's written consent. A home inspector shall not  
6           deliver a home inspection report to any person other than  
7           the client of the home inspector without the client's  
8           written consent.

9           (30) Providing fees, gifts, waivers of liability, or  
10          other forms of compensation or gratuities to persons  
11          licensed under any real estate professional licensing act  
12          in this State as consideration or inducement for the  
13          referral of business.

14          (31) Violating the terms of any order issued by the  
15          Department.

16          (b) The Department may suspend, revoke, or refuse to issue  
17          or renew an education provider's license, may reprimand, place  
18          on probation, or otherwise discipline an education provider  
19          licensee, and may suspend or revoke the course approval of any  
20          course offered by an education provider, for any of the  
21          following:

22                 (1) Procuring or attempting to procure licensure by  
23                 knowingly making a false statement, submitting false  
24                 information, making any form of fraud or  
25                 misrepresentation, or refusing to provide complete  
26                 information in response to a question in an application

1 for licensure.

2 (2) Failing to comply with the covenants certified to  
3 on the application for licensure as an education provider.

4 (3) Committing an act or omission involving  
5 dishonesty, fraud, or misrepresentation or allowing any  
6 such act or omission by any employee or contractor under  
7 the control of the education provider.

8 (4) Engaging in misleading or untruthful advertising.

9 (5) Failing to retain competent instructors in  
10 accordance with rules adopted under this Act.

11 (6) Failing to meet the topic or time requirements for  
12 course approval as the provider of a pre-license  
13 curriculum course or a continuing education course.

14 (7) Failing to administer an approved course using the  
15 course materials, syllabus, and examinations submitted as  
16 the basis of the course approval.

17 (8) Failing to provide an appropriate classroom  
18 environment for presentation of courses, with  
19 consideration for student comfort, acoustics, lighting,  
20 seating, workspace, and visual aid material.

21 (9) Failing to maintain student records in compliance  
22 with the rules adopted under this Act.

23 (10) Failing to provide a certificate, transcript, or  
24 other student record to the Department or to a student as  
25 may be required by rule.

26 (11) Failing to fully cooperate with a Department

1 investigation by knowingly making a false statement,  
2 submitting false or misleading information, or refusing to  
3 provide complete information in response to written  
4 interrogatories or a written request for documentation  
5 within 30 days of the request.

6 (c) (Blank).

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

17 (e) (Blank).

18 (f) In cases where the Department of Healthcare and Family  
19 Services has previously determined that a licensee or a  
20 potential licensee is more than 30 days delinquent in the  
21 payment of child support and has subsequently certified the  
22 delinquency to the Department, the Department may refuse to  
23 issue or renew or may revoke or suspend that person's license  
24 or may take other disciplinary action against that person  
25 based solely upon the certification of delinquency made by the  
26 Department of Healthcare and Family Services in accordance



1 with item (5) of subsection (a) of Section 2105-15 of the Civil  
2 Administrative Code of Illinois.

3 (g) The determination by a circuit court that a licensee  
4 is subject to involuntary admission or judicial admission, as  
5 provided in the Mental Health and Developmental Disabilities  
6 Code, operates as an automatic suspension. The suspension will  
7 end only upon a finding by a court that the patient is no  
8 longer subject to involuntary admission or judicial admission  
9 and the issuance of a court order so finding and discharging  
10 the patient.

11 (h) (Blank).

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

13 (225 ILCS 441/15-11)

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

15 Sec. 15-11. Illegal discrimination. When there has been an  
16 adjudication in a civil or criminal proceeding that a licensee  
17 has illegally discriminated while engaged in any activity for  
18 which a license is required under this Act, the Department,  
19 upon the determination by ~~recommendation of~~ the Secretary  
20 ~~Board~~ as to the extent of the suspension or revocation, shall  
21 suspend or revoke the license of that licensee in a timely  
22 manner, unless the adjudication is in the appeal process. When  
23 there has been an order in an administrative proceeding  
24 finding that a licensee has illegally discriminated while  
25 engaged in any activity for which a license is required under

1 this Act, the Department, upon the determination by  
2 ~~recommendation of~~ the Secretary Board as to the nature and  
3 extent of the discipline, shall take one or more of the  
4 disciplinary actions provided for in Section 15-10 of this Act  
5 in a timely manner, unless the administrative order is in the  
6 appeal process.

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

8 (225 ILCS 441/15-15)

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

10 Sec. 15-15. Investigation; notice; hearing. The Department  
11 may investigate the actions of any person who is an applicant,  
12 ~~or licensee,~~ ~~or of any person or persons rendering or offering~~  
13 ~~to render home inspection services,~~ or any person holding or  
14 claiming to hold a license as a home inspector. The Department  
15 shall, before refusing to issue or renew a license or to  
16 discipline a person licensee pursuant to Section 15-10, at  
17 least 30 days prior to the date set for the hearing, (i) notify  
18 the person charged accused in writing and the person's  
19 managing licensed home inspector, if any, of the charges made  
20 and the time and place for the hearing on the charges, (ii)  
21 direct the person licensee or applicant to file a written  
22 answer with the Department under oath within 20 days after the  
23 service of the notice, and (iii) inform the person applicant  
24 ~~or licensee~~ that failure to file an answer will result in a  
25 default ~~judgment being~~ entered against the person applicant or

1 ~~licensee~~. At the time and place fixed in the notice, the  
2 Department shall proceed to hear the charges and the parties  
3 of their counsel shall be accorded ample opportunity to  
4 present any pertinent statements, testimony, evidence, and  
5 arguments. The Department may continue the hearing from time  
6 to time. In case the person, after receiving the notice, fails  
7 to file an answer, the license, may, in the discretion of the  
8 Department, be revoked, suspended, placed on probationary  
9 status, or the Department may take whatever disciplinary  
10 actions considered proper, including limiting the scope,  
11 nature, or extent of the person's practice or the imposition  
12 of a fine, without a hearing, if the act or acts charged  
13 constitute sufficient grounds for that action under the Act.  
14 The notice may be served by ~~personal delivery,~~ by mail, or, at  
15 the discretion of the Department, by electronic means to the  
16 address of record or email address of record specified by the  
17 person accused as last updated with the Department.

18 A copy of the hearing officer's report or any Order of  
19 Default, along with a copy of the original complaint giving  
20 rise to the action, shall be served upon the ~~applicant,~~  
21 ~~licensee, or unlicensed~~ person by the Department ~~to the~~  
22 ~~applicant, licensee, or unlicensed individual~~ in the manner  
23 provided in this Act for the service of a notice of hearing.  
24 Within 20 days after service, the person ~~applicant or licensee~~  
25 may present to the Department a motion in writing for a  
26 rehearing, which shall specify the particular grounds for

1 rehearing. If the person orders from the reporting service and  
2 pays for a transcript of the record within the time for filing  
3 a motion for rehearing, then the 20-day period during which a  
4 motion may be filed shall commence upon the delivery of the  
5 transcript to the applicant or licensee. The Department may  
6 respond to the motion, or if a motion for rehearing is denied,  
7 then upon denial, the Secretary may enter an order in  
8 accordance with the recommendations of the hearing officer. A  
9 copy of the Department's final disciplinary order shall be  
10 delivered to the person and the person's managing home  
11 inspector, if any. ~~If the applicant or licensee orders from~~  
12 ~~the reporting service and pays for a transcript of the record~~  
13 ~~within the time for filing a motion for rehearing, then the~~  
14 ~~20 day period during which a motion may be filed shall~~  
15 ~~commence upon the delivery of the transcript to the applicant~~  
16 ~~or licensee.~~

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

18 (225 ILCS 441/25-27)

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

20 Sec. 25-27. Subpoenas; depositions; oaths.

21 (a) The Department may subpoena and bring before it any  
22 person to take oral or written testimony or compel the  
23 production of any books, papers, records, or any other  
24 documents the Secretary or the Secretary's designee deems  
25 relevant or material to any investigation or hearing conducted

1 by the Department with the same fees and in the same manner as  
2 prescribed in civil cases in the courts of this State.

3 (b) Any circuit court, upon the application of the  
4 licensee or the Department, may order the attendance and  
5 testimony of witnesses and the production of relevant  
6 documents, files, records, books, and papers in connection  
7 with any hearing or investigation. The circuit court may  
8 compel obedience to its order by proceedings for contempt.

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

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

17 Section 20. The Real Estate License Act of 2000 is amended  
18 by changing Sections 1-10, 5-6, 5-10, 5-20, 5-29, 5-50, 5-60,  
19 5-75, 10-25, 10-30, 20-20, 20-20.1, 20-22, 20-23, 20-25,  
20 20-60, 20-69, 20-72, 25-10, and 25-25 and by adding Section  
21 20-21.1 as follows:

22 (225 ILCS 454/1-10)

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

24 Sec. 1-10. Definitions. In this Act, unless the context

1 otherwise requires:

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

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

6 "Agency" means a relationship in which a broker or  
7 licensee, whether directly or through an affiliated licensee,  
8 represents a consumer by the consumer's consent, whether  
9 express or implied, in a real property transaction.

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

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

22 "Board" means the Real Estate Administration and  
23 Disciplinary Board of the Department as created by Section  
24 25-10 of this Act.

25 "Broker" means an individual, entity, corporation, foreign  
26 or domestic partnership, limited liability company, registered

1 limited liability partnership, or other business entity other  
2 than a residential leasing agent who, whether in person or  
3 through any media or technology, for another and for  
4 compensation, or with the intention or expectation of  
5 receiving compensation, either directly or indirectly:

6 (1) Sells, exchanges, purchases, rents, or leases real  
7 estate.

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

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

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

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

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

3           (7) Advertises or represents oneself as being engaged  
4 in the business of buying, selling, exchanging, renting,  
5 or leasing real estate.

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

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

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

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

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

20           "Brokerage agreement" means a written or oral agreement  
21 between a sponsoring broker and a consumer for licensed  
22 activities, or the performance of future licensed activities,  
23 to be provided to a consumer in return for compensation or the  
24 right to receive compensation from another. Brokerage  
25 agreements may constitute either a bilateral or a unilateral  
26 agreement between the broker and the broker's client depending



1 upon the content of the brokerage agreement. All exclusive  
2 brokerage agreements shall be in writing.

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

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

18 "Comparative market analysis" means an analysis or opinion  
19 regarding pricing, marketing, or financial aspects relating to  
20 a specified interest or interests in real estate that may be  
21 based upon an analysis of comparative market data, the  
22 expertise of the real estate broker or managing broker, and  
23 such other factors as the broker or managing broker may deem  
24 appropriate in developing or preparing such analysis or  
25 opinion. The activities of a real estate broker or managing  
26 broker engaging in the ordinary course of business as a

1 broker, as defined in this Section, shall not be considered a  
2 comparative market analysis if no compensation is paid to the  
3 broker or managing broker, other than compensation based upon  
4 the sale or rental of real estate. A comparative market  
5 analysis shall not be considered an appraisal within the  
6 meaning of the Real Estate Appraiser Licensing Act of 2002,  
7 any amendment to that Act, or any successor Act.

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

13 (1) commissions;

14 (2) referral fees;

15 (3) bonuses;

16 (4) prizes;

17 (5) merchandise;

18 (6) finder fees;

19 (7) performance of services;

20 (8) coupons or gift certificates;

21 (9) discounts;

22 (10) rebates;

23 (11) a chance to win a raffle, drawing, lottery, or  
24 similar game of chance not prohibited by any other law or  
25 statute;

26 (12) retainer fee; or

1 (13) salary.

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

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

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

12 (3) the information becomes public from a source other  
13 than the licensee.

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

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

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

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

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

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

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

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

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

26 "Employee" or other derivative of the word "employee",

1 when used to refer to, describe, or delineate the relationship  
2 between a sponsoring broker and a managing broker, broker, or  
3 a residential leasing agent, shall be construed to include an  
4 independent contractor relationship, provided that a written  
5 agreement exists that clearly establishes and states the  
6 relationship.

7 "Escrow moneys" means all moneys, promissory notes, or any  
8 other type or manner of legal tender or financial  
9 consideration deposited with any person for the benefit of the  
10 parties to the transaction. A transaction exists once an  
11 agreement has been reached and an accepted real estate  
12 contract signed or lease agreed to by the parties. "Escrow  
13 moneys" includes, without limitation, earnest moneys and  
14 security deposits, except those security deposits in which the  
15 person holding the security deposit is also the sole owner of  
16 the property being leased and for which the security deposit  
17 is being held.

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

23 "Exclusive brokerage agreement" means a written brokerage  
24 agreement that provides that the sponsoring broker has the  
25 sole right, through one or more sponsored licensees, to act as  
26 the exclusive agent or representative of the client and that

1 meets the requirements of Section 15-75 of this Act.

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

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

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

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

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

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

1 "Managing broker" means a licensee who may be authorized  
2 to assume responsibilities as a designated managing broker for  
3 licensees in one or, in the case of a multi-office company,  
4 more than one office, upon appointment by the sponsoring  
5 broker and registration with the Department. A managing broker  
6 may act as one's own sponsor.

7 "Medium of advertising" means any method of communication  
8 intended to influence the general public to use or purchase a  
9 particular good or service or real estate, including, but not  
10 limited to, print, electronic, social media, and digital  
11 forums.

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

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

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

26 "Real estate" means and includes leaseholds as well as any

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

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

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

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

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

21 "Sponsoring broker" means the broker who certifies to the  
22 Department the broker's ~~his, her, or its~~ sponsorship of a  
23 licensed managing broker, broker, or a residential leasing  
24 agent.

25 "Sponsorship" means that a sponsoring broker has certified  
26 to the Department that a managing broker, broker, or



1 residential leasing agent is employed by or associated by  
2 written agreement with the sponsoring broker and the  
3 Department has registered the sponsorship, as provided for in  
4 Section 5-40 of this Act.

5 "Team" means any 2 or more licensees who work together to  
6 provide real estate brokerage services, represent themselves  
7 to the public as being part of a team or group, are identified  
8 by a team name that is different than their sponsoring  
9 broker's name, and together are supervised by the same  
10 managing broker and sponsored by the same sponsoring broker.  
11 "Team" does not mean a separately organized, incorporated, or  
12 legal entity.

13 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22.)

14 (225 ILCS 454/5-6)

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

16 Sec. 5-6. Social Security Number or Individual Taxpayer  
17 ~~Tax~~ Identification Number on license application. In addition  
18 to any other information required to be contained in the  
19 application, every application for an original license under  
20 this Act shall include the applicant's Social Security Number  
21 or Tax Identification Number, which shall be retained in the  
22 agency's records pertaining to the license. An applicant may  
23 provide an Individual Taxpayer Identification Number as an  
24 alternative to providing a Social Security Number when  
25 applying for a license. As soon as practical, the Department

1 shall assign a separate and distinct identification number to  
2 each applicant for a license.

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

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

6 (225 ILCS 454/5-10)

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

8 Sec. 5-10. Requirements for license as a residential  
9 leasing agent; continuing education.

10 (a) Every applicant for licensure as a residential leasing  
11 agent must meet the following qualifications:

12 (1) be at least 18 years of age;

13 (2) be of good moral character;

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

20 (4) personally take and pass a written examination  
21 authorized by the Department sufficient to demonstrate the  
22 applicant's knowledge of the provisions of this Act  
23 relating to residential leasing agents and the applicant's  
24 competence to engage in the activities of a licensed  
25 residential leasing agent;

1           (5) provide satisfactory evidence of having completed  
2           15 hours of instruction in an approved course of study  
3           relating to the leasing of residential real property. The  
4           Board may recommend to the Department the number of hours  
5           each topic of study shall require. The course of study  
6           shall, among other topics, cover the provisions of this  
7           Act applicable to residential leasing agents; fair housing  
8           and human rights issues relating to residential leasing;  
9           advertising and marketing issues; leases, applications,  
10          and credit and criminal background reports; owner-tenant  
11          relationships and owner-tenant laws; the handling of  
12          funds; and environmental issues relating to residential  
13          real property;

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

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

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

21          (c) ~~Successfully completed course work, completed pursuant~~  
22          ~~to the requirements of this Section, may be applied to the~~  
23          ~~course work requirements to obtain a managing broker's or~~  
24          ~~broker's license as provided by rule.~~ The Board may recommend  
25          to the Department and the Department may adopt requirements  
26          for approved courses, course content, and the approval of

1 courses, instructors, and education providers, as well as  
2 education provider and instructor fees. The Department may  
3 establish continuing education requirements for residential  
4 licensed leasing agents, by rule, consistent with the language  
5 and intent of this Act, with the advice of the Board.

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

19 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22;  
20 102-1100, eff. 1-1-23; revised 12-14-22.)

21 (225 ILCS 454/5-20)

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

23 Sec. 5-20. Exemptions from managing broker, broker, or  
24 residential leasing agent license requirement; Department  
25 exemption from education provider and related licenses. The

1 requirement for holding a license under this Article 5 shall  
2 not apply to:

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

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

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

25 (4) Any person acting as a resident manager for the  
26 owner or any employee acting as the resident manager for a

1 broker managing an apartment building, duplex, or  
2 apartment complex, when the resident manager resides on  
3 the premises, the premises is the ~~his or her~~ primary  
4 residence of the resident manager, and the resident  
5 manager is engaged in the leasing of that ~~the~~ property ~~of~~  
6 ~~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,  
24 lease, or other disposition of real estate or investment  
25 therein that does not require the approval of the  
26 appropriate State regulatory authority.

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

5           (10) Any resident lessee of a residential dwelling  
6 unit who refers for compensation to the owner of the  
7 dwelling unit, or to the owner's agent, prospective  
8 lessees of dwelling units in the same building or complex  
9 as the resident lessee's unit, but only if the resident  
10 lessee (i) refers no more than 3 prospective lessees in  
11 any 12-month period, (ii) receives compensation of no more  
12 than \$5,000 or the equivalent of 2 months' rent, whichever  
13 is less, in any 12-month period, and (iii) limits ~~his or~~  
14 ~~her~~ activities to referring prospective lessees to the  
15 owner, or the owner's agent, and does not show a  
16 residential dwelling unit to a prospective lessee, discuss  
17 terms or conditions of leasing a dwelling unit with a  
18 prospective lessee, or otherwise participate in the  
19 negotiation of the 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).

24           (12) (Blank).

25           (13) Any person who is licensed without examination  
26 under Section 10-25 (now repealed) of the Auction License

1 Act is exempt from holding a managing broker's or broker's  
2 license under this Act for the limited purpose of selling  
3 or leasing real estate at auction, so long as:

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

6 (B) that person verifies to the Department that  
7 the person ~~he or she~~ has sold real estate at auction  
8 for a period of 5 years prior to licensure as an  
9 auctioneer;

10 (C) the person has had no lapse in the licensure  
11 ~~his or her license~~ as an auctioneer; and

12 (D) the license issued under the Auction License  
13 Act has not been disciplined for violation of those  
14 provisions of Article 20 of the Auction License Act  
15 dealing with or related to the sale or lease of real  
16 estate at auction.

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

21 (15) A hotel operator who is registered with the  
22 Illinois Department of Revenue and pays taxes under the  
23 Hotel Operators' Occupation Tax Act and rents a room or  
24 rooms in a hotel as defined in the Hotel Operators'  
25 Occupation Tax Act for a period of not more than 30  
26 consecutive days and not more than 60 days in a calendar



1 year or a person who participates in an online marketplace  
2 enabling persons to rent out all or part of the person's  
3 owned residence.

4 (16) Notwithstanding any provisions to the contrary,  
5 the Department and its employees shall be exempt from  
6 education, course provider, instructor, and course license  
7 requirements and fees while acting in an official capacity  
8 on behalf of the Department. Courses offered by the  
9 Department shall be eligible for continuing education  
10 credit.

11 (Source: P.A. 100-534, eff. 9-22-17; 100-831, eff. 1-1-19;  
12 101-357, eff. 8-9-19.)

13 (225 ILCS 454/5-29)

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

15 Sec. 5-29. Temporary practice as a designated managing  
16 broker. Upon the loss of a designated managing broker who is  
17 not replaced by the sponsoring broker or in the event of the  
18 death or ~~adjudicated~~ disability of a self-sponsored managing  
19 broker ~~the sole proprietor of an office~~, a written request for  
20 authorization allowing the continued operation of the office  
21 may be submitted to the Department within 15 days of the loss.  
22 The Department may issue a written authorization allowing the  
23 continued operation, provided that a licensed managing broker  
24 or, in the case of the death or ~~adjudicated~~ disability of a  
25 self-sponsored managing broker ~~sole proprietor~~, the

1 representative of the estate, assumes responsibility, in  
2 writing, for the operation of the office and agrees to  
3 personally supervise the operation of the office. No such  
4 written authorization shall be valid for more than 60 days  
5 unless extended by the Department for good cause shown and  
6 upon written request by the broker or representative.

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

8 (225 ILCS 454/5-50)

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

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

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

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

1           The Board may recommend, and the Department shall approve,  
2 45 hours of post-license education, consisting of three  
3 15-hour post-license courses, one each that covers applied  
4 brokerage principles, risk management/discipline, and  
5 transactional issues. Each of the courses shall require its  
6 own 50-question final examination, which shall be administered  
7 by the education provider that delivers the course.

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

19           (c) Any managing broker, broker, or residential leasing  
20 agent whose license under this Act has expired shall be  
21 eligible to renew the license during the 2-year period  
22 following the expiration date, provided the managing broker,  
23 broker, or residential leasing agent pays the fees as  
24 prescribed by rule and completes continuing education and  
25 other requirements provided for by the Act or by rule. A  
26 managing broker, broker, or residential leasing agent whose

1 license has been expired for more than 2 years but less than 5  
2 years may have it restored by (i) applying to the Department,  
3 (ii) paying the required fee, (iii) completing the continuing  
4 education requirements for the most recent term of licensure  
5 that ended prior to the date of the application for  
6 reinstatement, and (iv) filing acceptable proof of fitness to  
7 have the license restored, as set by rule. A managing broker,  
8 broker, or residential leasing agent whose license has been  
9 expired for more than 5 years shall be required to meet the  
10 requirements for a new license.

11 (d) Notwithstanding any other provisions of this Act to  
12 the contrary, any managing broker, broker, or residential  
13 leasing agent whose license expired while the licensee was (i)  
14 on active duty with the Armed Forces of the United States or  
15 called into service or training by the state militia, (ii)  
16 engaged in training or education under the supervision of the  
17 United States preliminary to induction into military service,  
18 or (iii) serving as the Coordinator of Real Estate in the State  
19 of Illinois or as an employee of the Department may have the  
20 license renewed, reinstated or restored without paying any  
21 lapsed renewal fees, and without completing the continuing  
22 education requirements for that licensure period if within 2  
23 years after the termination of the service, training or  
24 education the licensee furnishes ~~by furnishing~~ the Department  
25 with satisfactory evidence of service, training, or education  
26 and termination ~~it has been terminated~~ under honorable

1 conditions.

2 (e) Each licensee shall carry on one's person the license  
3 or an electronic version thereof.

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

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

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

26 (i) The Department shall not issue or renew a license if

1 the applicant or licensee has an unpaid fine or civil penalty  
2 imposed by the Department for unlicensed practice until the  
3 fine or civil penalty is paid to the Department or the  
4 applicant or licensee has entered into a payment plan and is  
5 current on the required payments.

6 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22.)

7 (225 ILCS 454/5-60)

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

9 Sec. 5-60. Managing broker licensed in another state;  
10 broker licensed in another state; reciprocal agreements; agent  
11 for service of process.

12 (a) A managing broker's license may be issued by the  
13 Department to a managing broker or its equivalent licensed  
14 under the laws of another state of the United States, under the  
15 following conditions:

16 (1) the managing broker holds a managing broker's  
17 license in a state that has entered into a reciprocal  
18 agreement with the Department;

19 (2) the standards for that state for licensing as a  
20 managing broker are substantially equal to or greater than  
21 the minimum standards in the State of Illinois;

22 (3) the managing broker has been actively practicing  
23 as a managing broker in the managing broker's state of  
24 licensure for a period of not less than 2 years,  
25 immediately prior to the date of application;

1           (4) the managing broker furnishes the Department with  
2 a statement under seal of the proper licensing authority  
3 of the state in which the managing broker is licensed  
4 showing that the managing broker has an active managing  
5 broker's license, that the managing broker is in good  
6 standing, and any disciplinary action taken ~~that no~~  
7 ~~complaints are pending~~ against the managing broker in that  
8 state;

9           (5) the managing broker passes a test on Illinois  
10 specific real estate brokerage laws; and

11           (6) the managing broker was licensed by an examination  
12 in the state that has entered into a reciprocal agreement  
13 with the Department.

14           (b) A broker's license may be issued by the Department to a  
15 broker or its equivalent licensed under the laws of another  
16 state of the United States, under the following conditions:

17           (1) the broker holds a broker's license in a state  
18 that has entered into a reciprocal agreement with the  
19 Department;

20           (2) the standards for that state for licensing as a  
21 broker are substantially equivalent to or greater than the  
22 minimum standards in the State of Illinois;

23           (3) (blank);

24           (4) the broker furnishes the Department with a  
25 statement under seal of the proper licensing authority of  
26 the state in which the broker is licensed showing that the

1 broker has an active broker's license, that the broker is  
2 in good standing, and any disciplinary action taken ~~that~~  
3 ~~no complaints are pending~~ against the broker in that  
4 state;

5 (5) the broker passes a test on Illinois specific real  
6 estate brokerage laws; and

7 (6) the broker was licensed by an examination in a  
8 state that has entered into a reciprocal agreement with  
9 the Department.

10 (c) (Blank).

11 (d) As a condition precedent to the issuance of a license  
12 to a managing broker or broker pursuant to this Section, the  
13 managing broker or broker shall agree in writing to abide by  
14 all the provisions of this Act with respect to ~~his or her~~ real  
15 estate activities within the State of Illinois and submit to  
16 the jurisdiction of the Department as provided in this Act.  
17 The agreement shall be filed with the Department and shall  
18 remain in force for so long as the managing broker or broker is  
19 licensed by this State and thereafter with respect to acts or  
20 omissions committed while licensed as a managing broker or  
21 broker in this State.

22 (e) Prior to the issuance of any license to any managing  
23 broker or broker pursuant to this Section, verification of  
24 active licensure issued for the conduct of such business in  
25 any other state must be filed with the Department by the  
26 managing broker or broker, and the same fees must be paid as



1 provided in this Act for the obtaining of a managing broker's  
2 or broker's license in this State.

3 (f) Licenses previously granted under reciprocal  
4 agreements with other states shall remain in force so long as  
5 the Department has a reciprocal agreement with the state that  
6 includes the requirements of this Section, unless that license  
7 is suspended, revoked, or terminated by the Department for any  
8 reason provided for suspension, revocation, or termination of  
9 a resident licensee's license. Licenses granted under  
10 reciprocal agreements may be renewed in the same manner as a  
11 resident's license.

12 (g) Prior to the issuance of a license to a nonresident  
13 managing broker or broker, the managing broker or broker shall  
14 file with the Department, in a manner prescribed by the  
15 Department, a designation in writing that appoints the  
16 Secretary to act as ~~his or her~~ agent upon whom all judicial and  
17 other process or legal notices directed to the managing broker  
18 or broker may be served. Service upon the agent so designated  
19 shall be equivalent to personal service upon the licensee.  
20 Copies of the appointment, certified by the Secretary, shall  
21 be deemed sufficient evidence thereof and shall be admitted in  
22 evidence with the same force and effect as the original  
23 thereof might be admitted. In the written designation, the  
24 managing broker or broker shall agree that any lawful process  
25 against the licensee that is served upon the agent shall be of  
26 the same legal force and validity as if served upon the

1 licensee and that the authority shall continue in force so  
2 long as any liability remains outstanding in this State. Upon  
3 the receipt of any process or notice, the Secretary shall  
4 forthwith deliver a copy of the same by regular mail or email  
5 to the last known business address or email address of the  
6 licensee.

7 (h) Any person holding a valid license under this Section  
8 shall be eligible to obtain a managing broker's license or a  
9 broker's license without examination should that person change  
10 their state of domicile to Illinois and that person otherwise  
11 meets the qualifications for licensure under this Act.

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

13 (225 ILCS 454/5-75)

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

15 Sec. 5-75. Out-of-state continuing education credit. If a  
16 renewal applicant has earned continuing education hours in  
17 another state or territory for which the applicant ~~he or she~~ is  
18 claiming credit toward full compliance in Illinois, the  
19 Department may approve those hours based upon whether the  
20 course is one that would be approved under Section 5-70 of this  
21 Act, whether the course meets the basic requirements for  
22 continuing education under this Act, and any other criteria  
23 that are provided by statute or rule.

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

1 (225 ILCS 454/10-25)

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

3 Sec. 10-25. Expiration of brokerage agreement. No licensee  
4 shall obtain any written brokerage agreement that does not  
5 either provide for automatic expiration within a definite  
6 period of time, and if longer than one year, ~~or~~ provide the  
7 client with a right to terminate the agreement annually by  
8 giving no more than 30 days' prior written notice. Any written  
9 brokerage agreement not containing such a provision shall be  
10 void. When the license of any sponsoring broker is suspended  
11 or revoked, any brokerage agreement with the sponsoring broker  
12 shall be deemed to expire upon the effective date of the  
13 suspension or revocation.

14 (Source: P.A. 98-531, eff. 8-23-13.)

15 (225 ILCS 454/10-30)

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

17 Sec. 10-30. Advertising.

18 (a) No advertising, whether in print, via the Internet, or  
19 through social media, digital forums, or any other media,  
20 shall be fraudulent, deceptive, inherently misleading, or  
21 proven to be misleading in practice. Advertising shall be  
22 considered misleading or untruthful if, when taken as a whole,  
23 there is a distinct and reasonable possibility that it will be  
24 misunderstood or will deceive the ordinary consumer.  
25 Advertising shall contain all information necessary to

1 communicate the information contained therein to the public in  
2 an accurate, direct, and readily comprehensible manner. Team  
3 names may not contain inherently misleading terms, such as  
4 "company", "realty", "real estate", "agency", "associates",  
5 "brokers", "properties", or "property".

6 (b) No blind advertisements may be used by any licensee,  
7 in any media, except as provided for in this Section.

8 (c) A licensee shall disclose, in writing, to all parties  
9 in a transaction the licensee's ~~his or her~~ status as a licensee  
10 and any and all interest the licensee has or may have in the  
11 real estate constituting the subject matter thereof, directly  
12 or indirectly, according to the following guidelines:

13 (1) On broker yard signs or in broker advertisements,  
14 no disclosure of ownership is necessary. However, the  
15 ownership shall be indicated on any property data form  
16 accessible to the consumer and disclosed to persons  
17 responding to any advertisement or any sign. The term  
18 "broker owned" or "agent owned" is sufficient disclosure.

19 (2) A sponsored or inactive licensee selling or  
20 leasing property, owned solely by the sponsored or  
21 inactive licensee, without utilizing brokerage services of  
22 their sponsoring broker or any other licensee, may  
23 advertise "By Owner". For purposes of this Section,  
24 property is "solely owned" by a sponsored or inactive  
25 licensee if the licensee ~~he or she~~ (i) has a 100% ownership  
26 interest alone, (ii) has ownership as a joint tenant or

1           tenant by the entirety, or (iii) holds a 100% beneficial  
2           interest in a land trust. Sponsored or inactive licensees  
3           selling or leasing "By Owner" shall comply with the  
4           following if advertising by owner:

5                   (A) On "By Owner" yard signs, the sponsored or  
6                   inactive licensee shall indicate "broker owned" or  
7                   "agent owned." "By Owner" advertisements used in any  
8                   medium of advertising shall include the term "broker  
9                   owned" or "agent owned."

10                   (B) If a sponsored or inactive licensee runs  
11                   advertisements, for the purpose of purchasing or  
12                   leasing real estate, the licensee ~~he or she~~ shall  
13                   disclose in the advertisements the licensee's ~~his or~~  
14                   ~~her~~ status as a licensee.

15                   (C) A sponsored or inactive licensee shall not use  
16                   the sponsoring broker's name or the sponsoring  
17                   broker's company name in connection with the sale,  
18                   lease, or advertisement of the property nor utilize  
19                   the sponsoring broker's or company's name in  
20                   connection with the sale, lease, or advertising of the  
21                   property in a manner likely to create confusion among  
22                   the public as to whether or not the services of a real  
23                   estate company are being utilized or whether or not a  
24                   real estate company has an ownership interest in the  
25                   property.

26           (d) A sponsored licensee may not advertise under the

1 licensee's ~~his or her~~ own name. Advertising in any media shall  
2 be under the direct supervision of the sponsoring or  
3 designated managing broker and in the sponsoring broker's  
4 business name, which in the case of a franchise shall include  
5 the franchise affiliation as well as the name of the  
6 individual firm. This provision does not apply under the  
7 following circumstances:

8 (1) When a licensee enters into a brokerage agreement  
9 relating to ~~his or her own~~ real estate owned by the  
10 licensee, or real estate in which the licensee ~~he or she~~  
11 has an ownership interest, with another licensed broker;  
12 or

13 (2) When a licensee is selling or leasing ~~his or her~~  
14 ~~own~~ real estate owned by the licensee or buying or leasing  
15 real estate for their own use ~~himself or herself~~, after  
16 providing the appropriate written disclosure of ~~his or her~~  
17 ownership interest as required in paragraph (2) of  
18 subsection (c) of this Section.

19 (e) No licensee shall list the licensee's ~~his or her~~ name  
20 or otherwise advertise in the licensee's ~~his or her~~ own name to  
21 the general public through any medium of advertising as being  
22 in the real estate business without listing the ~~his or her~~  
23 sponsoring broker's business name.

24 (f) The sponsoring broker's business name and the name of  
25 the licensee must appear in all advertisements, including  
26 business cards. In advertising that includes the sponsoring

1 broker's name and a team name or individual broker's name, the  
2 sponsoring broker's business name shall be at least equal in  
3 size or larger than the team name or that of the individual.

4 (g) Those individuals licensed as a managing broker and  
5 designated with the Department as a designated managing broker  
6 by their sponsoring broker shall identify themselves to the  
7 public in advertising, except on "For Sale" or similar signs,  
8 as a designated managing broker. No other individuals holding  
9 a managing broker's license may hold themselves out to the  
10 public or other licensees as a designated managing broker, but  
11 they may hold themselves out to be a managing broker.

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

13 (225 ILCS 454/20-20)

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

15 Sec. 20-20. Nature of and grounds for discipline.

16 (a) The Department may refuse to issue or renew a license,  
17 may place on probation, suspend, or revoke any license,  
18 reprimand, or take any other disciplinary or non-disciplinary  
19 action as the Department may deem proper and impose a fine not  
20 to exceed \$25,000 for each violation upon any licensee or  
21 applicant under this Act or any person who holds oneself out as  
22 an applicant or licensee or against a licensee in handling  
23 one's own property, whether held by deed, option, or  
24 otherwise, for any one or any combination of the following  
25 causes:

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

4           (2) The licensee's conviction of or plea of guilty or  
5           plea of nolo contendere, as set forth in subsection (e) of  
6           Section 5-25, to: (A) a felony or misdemeanor in this  
7           State or any other jurisdiction; (B) the entry of an  
8           administrative sanction by a government agency in this  
9           State or any other jurisdiction; or (C) any crime that  
10          subjects the licensee to compliance with the requirements  
11          of the Sex Offender Registration Act.

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

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

20          (5) Having been disciplined by another state, the  
21          District of Columbia, a territory, a foreign nation, or a  
22          governmental agency authorized to impose discipline if at  
23          least one of the grounds for that discipline is the same as  
24          or the equivalent of one of the grounds for which a  
25          licensee may be disciplined under this Act. A certified  
26          copy of the record of the action by the other state or



1 jurisdiction shall be prima facie evidence thereof.

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

6 (7) Cheating on or attempting to subvert the Real  
7 Estate License Exam or a continuing education course or  
8 examination.

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

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

14 (10) Making any substantial misrepresentation or  
15 untruthful advertising.

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

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

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

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

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

4           (16) Failure to account for or to remit any moneys or  
5 documents coming into the licensee's possession that  
6 belong to others.

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

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

25           (B) deemed abandoned and transferred to the Office  
26 of the State Treasurer to be handled as unclaimed

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

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

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

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

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

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

5           (22) Commingling the money or property of others with  
6 the licensee's own money or property.

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

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

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

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

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

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

4           (29) A licensee under this Act or an unlicensed  
5           individual offering guaranteed sales plans, as defined in  
6           Section 10-50, except to the extent set forth in Section  
7           10-50.

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

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

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

26          (33) Negotiating a sale, exchange, or lease of real

1 estate directly with any person if the licensee knows that  
2 the person has an exclusive brokerage agreement with  
3 another broker, unless specifically authorized by that  
4 broker.

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

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

22 (36) (Blank).

23 (37) Violating the terms of any ~~a disciplinary~~ order  
24 issued by the Department.

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

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

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

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

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

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

26          (44) Permitting any residential leasing agent or

1 temporary residential leasing agent permit holder to  
2 engage in activities that require a broker's or managing  
3 broker's license.

4 (45) Failing to notify the Department, within 30 days  
5 after the occurrence, of the information required in  
6 subsection (e) of Section 5-25.

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

10 (47) Filing liens or recording written instruments in  
11 any county in the State on noncommercial, residential real  
12 property that relate to a broker's compensation for  
13 licensed activity under the Act.

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

23 (c) (Blank).

24 (d) In cases where the Department of Healthcare and Family  
25 Services (formerly Department of Public Aid) has previously  
26 determined that a licensee or a potential licensee is more



1 than 30 days delinquent in the payment of child support and has  
2 subsequently certified the delinquency to the Department may  
3 refuse to issue or renew or may revoke or suspend that person's  
4 license or may take other disciplinary action against that  
5 person based solely upon the certification of delinquency made  
6 by the Department of Healthcare and Family Services in  
7 accordance with item (5) of subsection (a) of Section 2105-15  
8 of the Department of Professional Regulation Law of the Civil  
9 Administrative Code of Illinois.

10 (e) (Blank).

11 (Source: P.A. 101-81, eff. 7-12-19; 101-357, eff. 8-9-19;  
12 102-970, eff. 5-27-22.)

13 (225 ILCS 454/20-20.1)

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

15 Sec. 20-20.1. Citations.

16 (a) The Department may adopt rules to permit the issuance  
17 of citations to any licensee for failure to comply with the  
18 continuing education and post-license education requirements  
19 set forth in this Act or as adopted by rule. The citation shall  
20 be issued to the licensee, and a copy shall be sent to the  
21 licensee's designated managing broker and sponsoring broker.  
22 The citation shall contain the licensee's name and address,  
23 the licensee's license number, the number of required hours of  
24 continuing education or post-license education that have not  
25 been successfully completed by the licensee's renewal

1 deadline, and the penalty imposed, which shall not exceed  
2 \$2,000. The issuance of any such citation shall not excuse the  
3 licensee from completing all continuing education or  
4 post-license education required for that term of licensure.

5 (b) Service of a citation shall be made by in person,  
6 electronically, or by mail to the licensee at the licensee's  
7 address of record or email address of record, and must clearly  
8 state that if the cited licensee wishes to dispute the  
9 citation, the cited licensee may make a written request,  
10 within 30 days after the citation is served, for a hearing  
11 before the Department. If the cited licensee does not request  
12 a hearing within 30 days after the citation is served, then the  
13 citation shall become a final, non-disciplinary order, and any  
14 fine imposed is due and payable within 60 days after that final  
15 order. If the cited licensee requests a hearing within 30 days  
16 after the citation is served, the Department shall afford the  
17 cited licensee a hearing conducted in the same manner as a  
18 hearing provided for in this Act for any violation of this Act  
19 and shall determine whether the cited licensee committed the  
20 violation as charged and whether the fine as levied is  
21 warranted. If the violation is found, any fine shall  
22 constitute non-public discipline and be due and payable within  
23 30 days after the order of the Secretary, which shall  
24 constitute a final order of the Department. No change in  
25 license status may be made by the Department until such time as  
26 a final order of the Department has been issued.

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

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

9 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22.)

10 (225 ILCS 454/20-21.1 new)

11 Sec. 20-21.1. Injunctions; cease and desist order.

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

1       (b) If, in the opinion of the Department, a person  
2 violates a provision of this Act, the Department may issue a  
3 ruling to show cause why an order to cease and desist should  
4 not be entered against that person. The rule shall clearly set  
5 forth the grounds relied upon by the Department and shall  
6 allow at least 7 days from the date of the rule to file an  
7 answer to the satisfaction of the Department. Failure to  
8 answer to the satisfaction of the Department shall cause an  
9 order to cease and desist to be issued immediately.

10       (c) Other than as provided in Section 5-20 of this Act, if  
11 any person practices as a managing broker, broker, or  
12 residential leasing agent or holds themselves out as a  
13 licensed sponsoring broker, managing broker, broker, or  
14 residential leasing agent under this Act without being issued  
15 a valid active license by the Department, then any licensed  
16 sponsoring broker, managing broker, broker, residential  
17 leasing agent, any interested party, or any person injured  
18 thereby may, in addition to the Secretary, petition for relief  
19 as provided in subsection (a).

20       (225 ILCS 454/20-22)

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

22       Sec. 20-22. Violations. Any person who is found working or  
23 acting as a managing broker, broker, or residential leasing  
24 agent or holding oneself ~~himself or herself~~ out as a licensed  
25 sponsoring broker, managing broker, broker, or residential

1 leasing agent without being issued a valid active license is  
2 guilty of a Class A misdemeanor and, on conviction of a second  
3 or subsequent offense, the violator shall be guilty of a Class  
4 4 felony.

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

6 (225 ILCS 454/20-23)

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

8 Sec. 20-23. Confidentiality. All information collected by  
9 the Department in the course of an examination or  
10 investigation of a licensee or applicant, including, but not  
11 limited to, any complaint against a licensee, applicant, or  
12 any person who holds oneself ~~himself or herself~~ out as a  
13 licensee or applicant that is filed with the Department and  
14 information collected to investigate any such complaint, shall  
15 be maintained for the confidential use of the Department and  
16 shall not be disclosed. The Department may not disclose the  
17 information to anyone other than law enforcement officials,  
18 regulatory agencies that have an appropriate regulatory  
19 interest as determined by the Secretary, or a party presenting  
20 a lawful subpoena to the Department. Information and documents  
21 disclosed to a federal, State, county, or local law  
22 enforcement agency shall not be disclosed by the agency for  
23 any purpose to any other agency or person. A formal complaint  
24 filed against a licensee by the Department or any order issued  
25 by the Department against a licensee or applicant shall be a

1 public record, except as otherwise prohibited by law.

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

3 (225 ILCS 454/20-25)

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

5 Sec. 20-25. Returned checks and dishonored credit card  
6 charges; fees. Any person who (1) delivers a check or other  
7 payment to the Department that is returned to the Department  
8 unpaid by the financial institution upon which it is drawn  
9 shall pay to the Department; or (2) presents a credit or debit  
10 card for payment that is invalid or expired or against which  
11 charges by the Department are declined or dishonored, in  
12 addition to the amount already owed to the Department, a fee of  
13 \$50. The Department shall notify the person that payment of  
14 fees and fines shall be paid to the Department by certified  
15 check or money order within 30 calendar days of the  
16 notification. If, after the expiration of 30 days from the  
17 date of the notification, the person has failed to submit the  
18 necessary remittance, the Department shall automatically  
19 revoke the license or deny the application, without hearing.  
20 If, after revocation or denial, the person seeks a license,  
21 the person ~~he or she~~ shall apply to the Department for  
22 restoration or issuance of the license and pay all fees and  
23 fines due to the Department. The Department may establish a  
24 fee for the processing of an application for restoration of a  
25 license to pay all expenses of processing this application.

1 The Secretary may waive the fees due under this Section in  
2 individual cases where the Secretary finds that the fees would  
3 be unreasonable or unnecessarily burdensome.

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

5 (225 ILCS 454/20-60)

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

7 Sec. 20-60. Investigations notice and hearing. The  
8 Department may investigate the actions of any applicant or of  
9 any person who is an applicant or person or persons rendering  
10 or offering to render services for which a license is required  
11 by this Act or any person holding or claiming to hold a license  
12 under this Act and may notify the ~~his or her~~ designated  
13 managing broker and sponsoring broker of the pending  
14 investigation. The Department shall, before revoking,  
15 suspending, placing on probation, reprimanding, or taking any  
16 other disciplinary action under Article 20 of this Act, at  
17 least 30 days before the date set for the hearing, (i) notify  
18 the person charged ~~accused~~ and the ~~his or her~~ designated  
19 managing broker and sponsoring broker in writing of the  
20 charges made and the time and place for the hearing on the  
21 charges and whether the licensee's license has been  
22 temporarily suspended pursuant to Section 20-65, (ii) direct  
23 the person ~~accused~~ to file a written answer to the charges with  
24 the Board under oath within 20 days after ~~the service on him or~~  
25 ~~her~~ of the notice, and (iii) inform the person ~~accused~~ that

1 ~~failure if he or she fails~~ to answer will result in a 7 default  
2 ~~will be taken against him or her~~ or that the person's ~~his or~~  
3 ~~her~~ license may be suspended, revoked, placed on probationary  
4 status, or other disciplinary action taken with regard to the  
5 license, including limiting the scope, nature, or extent of  
6 the ability to ~~his or her~~ practice, as the Department may  
7 consider proper. At the time and place fixed in the notice, the  
8 Board shall proceed to hear the charges and the parties or  
9 their counsel shall be accorded ample opportunity to present  
10 any pertinent statements, testimony, evidence, and arguments.  
11 The Board may continue the hearing from time to time. In case  
12 the person, after receiving the notice, fails to file an  
13 answer, the person's ~~his or her~~ license may, in the discretion  
14 of the Department, be suspended, revoked, placed on  
15 probationary status, or the Department may take whatever  
16 disciplinary action considered proper, including limiting the  
17 scope, nature, or extent of the person's practice or the  
18 imposition of a fine, without a hearing, if the act or acts  
19 charged constitute sufficient grounds for that action under  
20 this Act. The notice may be served by ~~personal delivery, by~~  
21 mail, or, at the discretion of the Department, by electronic  
22 means as adopted by rule to the address or email address of  
23 record ~~specified by the accused in his or her last~~  
24 ~~notification with the Department~~ and shall include notice to  
25 the designated managing broker and sponsoring broker. A copy  
26 of the Department's final disciplinary order shall be



1 delivered to the designated managing broker and sponsoring  
2 broker.

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

4 (225 ILCS 454/20-69)

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

6 Sec. 20-69. Restoration of a ~~suspended or revoked~~ license.  
7 At any time after the successful completion of a term of  
8 suspension, ~~or~~ revocation, or probation of a ~~an individual's~~  
9 license, the Department may restore it to the licensee, upon  
10 the written recommendation of the Board, unless after an  
11 investigation and a hearing the Board determines that  
12 restoration is not in the public interest.

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

14 (225 ILCS 454/20-72)

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

16 Sec. 20-72. Secretary; rehearing. If the Secretary  
17 believes that substantial justice has not been done in the  
18 revocation or suspension of a license, with respect to refusal  
19 to issue, restore, or renew a license, or any other discipline  
20 of an applicant, licensee, or unlicensed person, then the  
21 Secretary ~~he or she~~ may order a rehearing by the same or other  
22 examiners.

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

1 (225 ILCS 454/25-10)

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

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

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

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

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

17 None of these members shall be (i) a person who is licensed  
18 under this Act or a similar Act of another jurisdiction, (ii)  
19 the spouse or immediate family member of a licensee, or (iii) a  
20 person who has an ownership interest in a real estate  
21 brokerage business.

22 The members' terms shall be for 4 years and until a  
23 successor is appointed. No member shall be reappointed to the  
24 Board for a term that would cause the member's cumulative  
25 service to the Board to exceed 12 ~~10~~ years. Appointments to  
26 fill vacancies shall be for the unexpired portion of the term.

1 Those members of the Board that satisfy the requirements of  
2 paragraph (2) shall be chosen in a manner such that no area of  
3 the State shall be unreasonably represented. In making the  
4 appointments, the Governor shall give due consideration to the  
5 recommendations by members and organizations of the  
6 profession. The Governor may terminate the appointment of any  
7 member for cause that in the opinion of the Governor  
8 reasonably justifies the termination. Cause for termination  
9 shall include without limitation misconduct, incapacity,  
10 neglect of duty, or missing 4 board meetings during any one  
11 fiscal year. Each member of the Board may receive a per diem  
12 stipend in an amount to be determined by the Secretary. While  
13 engaged in the performance of duties, each member shall be  
14 reimbursed for necessary expenses. Such compensation and  
15 expenses shall be paid out of the Real Estate License  
16 Administration Fund. The Secretary shall consider the  
17 recommendations of the Board on questions involving standards  
18 of professional conduct, discipline, education, and policies  
19 and procedures under this Act. With regard to this subject  
20 matter, the Secretary may establish temporary or permanent  
21 committees of the Board and may consider the recommendations  
22 of the Board on matters that include, but are not limited to,  
23 criteria for the licensing and renewal of education providers,  
24 pre-license and continuing education instructors, pre-license  
25 and continuing education curricula, standards of educational  
26 criteria, and qualifications for licensure and renewal of

1 professions, courses, and instructors. The Department, after  
2 notifying and considering the recommendations of the Board, if  
3 any, may issue rules, consistent with the provisions of this  
4 Act, for the administration and enforcement thereof and may  
5 prescribe forms that shall be used in connection therewith.  
6 Eight Board members shall constitute a quorum. A quorum is  
7 required for all Board decisions. A vacancy in the membership  
8 of the Board shall not impair the right of a quorum to exercise  
9 all of the rights and perform all of the duties of the Board.

10 The Board shall elect annually, at its first meeting of  
11 the fiscal year, a vice chairperson who shall preside, with  
12 voting privileges, at meetings when the chairperson is not  
13 present. Members of the Board shall be immune from suit in an  
14 action based upon any disciplinary proceedings or other acts  
15 performed in good faith as members of the Board.

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

17 (225 ILCS 454/25-25)

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

19 Sec. 25-25. Real Estate Research and Education Fund. A  
20 special fund to be known as the Real Estate Research and  
21 Education Fund is created and shall be held in trust in the  
22 State Treasury. Annually, on September 15th, the State  
23 Treasurer shall cause a transfer of \$125,000 to the Real  
24 Estate Research and Education Fund from the Real Estate  
25 License Administration Fund. The Real Estate Research and

1 Education Fund shall be administered by the Department. Money  
2 deposited in the Real Estate Research and Education Fund may  
3 be used for research and for education at state institutions  
4 of higher education or other organizations for research and  
5 for education to further the advancement of education in the  
6 real estate industry or can be used by the Department for  
7 expenses related to the education of licensees. Of the  
8 \$125,000 annually transferred into the Real Estate Research  
9 and Education Fund, \$15,000 shall be used to fund a  
10 scholarship program for persons of minority racial origin who  
11 wish to pursue a course of study in the field of real estate.  
12 For the purposes of this Section, "course of study" means a  
13 course or courses that are part of a program of courses in the  
14 field of real estate designed to further an individual's  
15 knowledge or expertise in the field of real estate. These  
16 courses shall include, without limitation, courses that a  
17 broker licensed under this Act must complete to qualify for a  
18 managing broker's license, courses required to obtain the  
19 Graduate Realtors Institute designation, and any other courses  
20 or programs offered by accredited colleges, universities, or  
21 other institutions of higher education in Illinois. The  
22 scholarship program shall be administered by the Department or  
23 its designee. Moneys in the Real Estate Research and Education  
24 Fund may be invested and reinvested in the same manner as funds  
25 in the Real Estate Recovery Fund and all earnings, interest,  
26 and dividends received from such investments shall be

1 deposited in the Real Estate Research and Education Fund and  
2 may be used for the same purposes as moneys transferred to the  
3 Real Estate Research and Education Fund. Moneys in the Real  
4 Estate Research and Education Fund may be transferred to the  
5 Professions Indirect Cost Fund as authorized under Section  
6 2105-300 of the Department of Professional Regulation Law of  
7 the Civil Administrative Code of Illinois.

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

9 (225 ILCS 454/25-21 rep.)

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

12 Section 30. The Real Estate Appraiser Licensing Act of  
13 2002 is amended by changing Sections 1-10, 5-25, 10-5, 10-10,  
14 15-10, 15-15, and 25-10 as follows:

15 (225 ILCS 458/1-10)

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

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

19 "Accredited college or university, junior college, or  
20 community college" means a college or university, junior  
21 college, or community college that is approved or accredited  
22 by the Board of Higher Education, a regional or national  
23 accreditation association, or by an accrediting agency that is

1 recognized by the U.S. Secretary of Education.

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

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

8 "Appraisal" means (noun) the act or process of developing  
9 an opinion of value; an opinion of value (adjective) of or  
10 pertaining to appraising and related functions, such as  
11 appraisal practice or appraisal services.

12 "Appraisal assignment" means a valuation service provided  
13 pursuant to an agreement between an appraiser and a client.

14 "Appraisal firm" means an appraisal entity that is 100%  
15 owned and controlled by a person or persons licensed in  
16 Illinois as a certified general real estate appraiser or a  
17 certified residential real estate appraiser. "Appraisal firm"  
18 does not include an appraisal management company.

19 "Appraisal management company" means any corporation,  
20 limited liability company, partnership, sole proprietorship,  
21 subsidiary, unit, or other business entity that directly or  
22 indirectly: (1) provides appraisal management services to  
23 creditors or secondary mortgage market participants, including  
24 affiliates; (2) provides appraisal management services in  
25 connection with valuing the consumer's principal dwelling as  
26 security for a consumer credit transaction (including consumer

1 credit transactions incorporated into securitizations); and  
2 (3) any appraisal management company that, within a given  
3 12-month period, oversees an appraiser panel of 16 or more  
4 State-certified appraisers in Illinois or 25 or more  
5 State-certified or State-licensed appraisers in 2 or more  
6 jurisdictions. "Appraisal management company" includes a  
7 hybrid entity.

8 "Appraisal practice" means valuation services performed by  
9 an individual acting as an appraiser, including, but not  
10 limited to, appraisal or appraisal review.

11 "Appraisal qualification board (AQB)" means the  
12 independent board of the Appraisal Foundation, which, under  
13 the provisions of Title XI of the Financial Institutions  
14 Reform, Recovery, and Enforcement Act of 1989, establishes the  
15 minimum education, experience, and examination requirements  
16 for real property appraisers to obtain a state certification  
17 or license.

18 "Appraisal report" means any communication, written or  
19 oral, of an appraisal or appraisal review that is transmitted  
20 to a client upon completion of an assignment.

21 "Appraisal review" means the act or process of developing  
22 and communicating an opinion about the quality of another  
23 appraiser's work that was performed as part of an appraisal,  
24 appraisal review, or appraisal assignment.

25 "Appraisal Subcommittee" means the Appraisal Subcommittee  
26 of the Federal Financial Institutions Examination Council as



1 established by Title XI.

2 "Appraiser" means a person who performs real estate or  
3 real property appraisals competently and in a manner that is  
4 independent, impartial, and objective.

5 "Appraiser panel" means a network, list, or roster of  
6 licensed or certified appraisers approved by the appraisal  
7 management company or by the end-user client to perform  
8 appraisals as independent contractors for the appraisal  
9 management company. "Appraiser panel" includes both appraisers  
10 accepted by an appraisal management company for consideration  
11 for future appraisal assignments and appraisers engaged by an  
12 appraisal management company to perform one or more  
13 appraisals. For the purposes of determining the size of an  
14 appraiser panel, only independent contractors of hybrid  
15 entities shall be counted towards the appraiser panel.

16 ~~"AOB" means the Appraisal Qualifications Board of the~~  
17 ~~Appraisal Foundation.~~

18 "Associate real estate trainee appraiser" means an  
19 entry-level appraiser who holds a license of this  
20 classification under this Act with restrictions as to the  
21 scope of practice in accordance with this Act.

22 "Automated valuation model" means an automated system that  
23 is used to derive a property value through the use of available  
24 property records and various analytic methodologies such as  
25 comparable sales prices, home characteristics, and price  
26 changes.

1 "Board" means the Real Estate Appraisal Administration and  
2 Disciplinary Board.

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

13 "Classroom hour" means 50 minutes of instruction out of  
14 each 60-minute segment of coursework.

15 "Client" means the party or parties who engage an  
16 appraiser by employment or contract in a specific appraisal  
17 assignment.

18 "Comparative market analysis" is an analysis or opinion  
19 regarding pricing, marketing, or financial aspects relating to  
20 a specified interest or interests in real estate that may be  
21 based upon an analysis of comparative market data, the  
22 expertise of the real estate broker or managing broker, and  
23 such other factors as the broker or managing broker may deem  
24 appropriate in developing or preparing such analysis or  
25 opinion. The activities of a real estate broker or managing  
26 broker engaging in the ordinary course of business as a

1 broker, as defined in this Section, shall not be considered a  
2 comparative market analysis if no compensation is paid to the  
3 broker or managing broker, other than compensation based upon  
4 the sale or rental of real estate.

5 "Coordinator" means the Real Estate Appraisal Coordinator  
6 created in Section 25-15.

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

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

13 "Evaluation" means a valuation permitted by the appraisal  
14 regulations of the Federal Financial Institutions Examination  
15 Council and its federal agencies for transactions that qualify  
16 for the appraisal threshold exemption, business loan  
17 exemption, or subsequent transaction exemption.

18 "Federal financial institutions regulatory agencies" means  
19 the Board of Governors of the Federal Reserve System, the  
20 Federal Deposit Insurance Corporation, the Office of the  
21 Comptroller of the Currency, the Consumer Financial Protection  
22 Bureau, and the National Credit Union Administration.

23 "Federally related transaction" means any real  
24 estate-related financial transaction in which a federal  
25 financial institutions regulatory agency engages in, contracts  
26 for, or regulates and requires the services of an appraiser.

1 "Financial institution" means any bank, savings bank,  
2 savings and loan association, credit union, mortgage broker,  
3 mortgage banker, licensee under the Consumer Installment Loan  
4 Act or the Sales Finance Agency Act, or a corporate fiduciary,  
5 subsidiary, affiliate, parent company, or holding company of  
6 any such licensee, or any institution involved in real estate  
7 financing that is regulated by state or federal law.

8 "Hybrid entity" means an appraisal management company that  
9 hires an appraiser as an employee to perform an appraisal and  
10 engages an independent contractor to perform an appraisal.

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

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

15 "Multi-state licensing system" means a web-based platform  
16 that allows an applicant to submit the application or license  
17 renewal application to the Department online.

18 "Person" means an individual, entity, sole proprietorship,  
19 corporation, limited liability company, partnership, and joint  
20 venture, foreign or domestic, except that when the context  
21 otherwise requires, the term may refer to more than one  
22 individual or other described entity.

23 "Real estate" means an identified parcel or tract of land,  
24 including any improvements.

25 "Real estate related financial transaction" means any  
26 transaction involving:

1           (1) the sale, lease, purchase, investment in, or  
2           exchange of real property, including interests in property  
3           or the financing thereof;

4           (2) the refinancing of real property or interests in  
5           real property; and

6           (3) the use of real property or interest in property  
7           as security for a loan or investment, including mortgage  
8           backed securities.

9           "Real property" means the interests, benefits, and rights  
10          inherent in the ownership of real estate.

11          "Secretary" means the Secretary of Financial and  
12          Professional Regulation or the Secretary's designee.

13          "State certified general real estate appraiser" means an  
14          appraiser who holds a license of this classification under  
15          this Act and such classification applies to the appraisal of  
16          all types of real property without restrictions as to the  
17          scope of practice.

18          "State certified residential real estate appraiser" means  
19          an appraiser who holds a license of this classification under  
20          this Act and such classification applies to the appraisal of  
21          one to 4 units of residential real property without regard to  
22          transaction value or complexity, but with restrictions as to  
23          the scope of practice in a federally related transaction in  
24          accordance with Title XI, the provisions of USPAP, criteria  
25          established by the AQB, and further defined by rule.

26          "Supervising appraiser" means either (i) an appraiser who

1 holds a valid license under this Act as either a State  
2 certified general real estate appraiser or a State certified  
3 residential real estate appraiser, who co-signs an appraisal  
4 report for an associate real estate trainee appraiser or (ii)  
5 a State certified general real estate appraiser who holds a  
6 valid license under this Act who co-signs an appraisal report  
7 for a State certified residential real estate appraiser on  
8 properties other than one to 4 units of residential real  
9 property without regard to transaction value or complexity.

10 "Title XI" means Title XI of the federal Financial  
11 Institutions Reform, Recovery, and Enforcement Act of 1989.

12 "USPAP" means the Uniform Standards of Professional  
13 Appraisal Practice as promulgated by the Appraisal Standards  
14 Board pursuant to Title XI and by rule.

15 "Valuation services" means services pertaining to aspects  
16 of property value.

17 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;  
18 102-970, eff. 5-27-22.)

19 (225 ILCS 458/5-25)

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

21 Sec. 5-25. Renewal of license.

22 (a) The expiration date and renewal period for a State  
23 certified general real estate appraiser license or a State  
24 certified residential real estate appraiser license issued  
25 under this Act shall be set by rule. Except as otherwise

1 provided in subsections (b) and (f) of this Section, the  
2 holder of a license may renew the license within 90 days  
3 preceding the expiration date by:

4 (1) completing and submitting to the Department, or  
5 through a multi-state licensing system as designated by  
6 the Secretary, a renewal application form as provided by  
7 the Department;

8 (2) paying the required fees; and

9 (3) providing evidence to the Department, or through a  
10 multi-state licensing system as designated by the  
11 Secretary, of successful completion of the continuing  
12 education requirements through courses approved by the  
13 Department from education providers licensed by the  
14 Department, as established by the AQB and by rule.

15 (b) A State certified general real estate appraiser or  
16 State certified residential real estate appraiser whose  
17 license under this Act has expired may renew the license for a  
18 period of 2 years following the expiration date by complying  
19 with the requirements of paragraphs (1), (2), and (3) of  
20 subsection (a) of this Section and paying any late penalties  
21 established by rule.

22 (c) (Blank).

23 (d) The expiration date and renewal period for an  
24 associate real estate trainee appraiser license issued under  
25 this Act shall be set by rule. Except as otherwise provided in  
26 subsections (e) and (f) of this Section, the holder of an

1 associate real estate trainee appraiser license may renew the  
2 license within 90 days preceding the expiration date by:

3 (1) completing and submitting to the Department, or  
4 through a multi-state licensing system as designated by  
5 the Secretary, a renewal application form as provided by  
6 the Department;

7 (2) paying the required fees; and

8 (3) providing evidence to the Department, or through a  
9 multi-state licensing system as designated by the  
10 Secretary, of successful completion of the continuing  
11 education requirements through courses approved by the  
12 Department from education providers approved by the  
13 Department, as established by rule.

14 (e) Any associate real estate trainee appraiser whose  
15 license under this Act has expired may renew the license for a  
16 period of 2 years following the expiration date by complying  
17 with the requirements of paragraphs (1), (2), and (3) of  
18 subsection (d) of this Section and paying any late penalties  
19 as established by rule.

20 (f) Notwithstanding subsections (c) and (e), an appraiser  
21 whose license under this Act has expired may renew or convert  
22 the license without paying any lapsed renewal fees or late  
23 penalties if the license expired while the appraiser was:

24 (1) on active duty with the United States Armed  
25 Services;

26 (2) serving as the Coordinator or an employee of the



1 Department who was required to surrender the license  
2 during the term of employment.

3 Application for renewal must be made within 2 years  
4 following the termination of the military service or related  
5 education, training, or employment and shall include an  
6 affidavit from the licensee of engagement.

7 (g) The Department shall provide reasonable care and due  
8 diligence to ensure that each licensee under this Act is  
9 provided with a renewal application at least 90 days prior to  
10 the expiration date, but timely renewal or conversion of the  
11 license prior to its expiration date is the responsibility of  
12 the licensee.

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

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

25 (Source: P.A. 101-81, eff. 7-12-19; 102-20, eff. 1-1-22;  
26 102-970, eff. 5-27-22.)

1 (225 ILCS 458/10-5)

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

3 Sec. 10-5. Scope of practice.

4 (a) This Act does not limit a State certified general real  
5 estate appraiser's scope of practice in a federally related  
6 transaction. A State certified general real estate appraiser  
7 may independently provide appraisal services, review, or  
8 consult related to any type of property for which there is  
9 related experience or competency by the appraiser. All such  
10 appraisal practice must be made in accordance with the  
11 provisions of USPAP, criteria established by the AQB, and  
12 rules adopted pursuant to this Act.

13 (b) A State certified residential real estate appraiser is  
14 limited in scope of practice to the provisions of USPAP,  
15 criteria established by the AQB, and the rules adopted  
16 pursuant to this Act.

17 (c) A State certified residential real estate appraiser  
18 must have a State certified general real estate appraiser who  
19 holds a valid license under this Act co-sign all appraisal  
20 reports on properties other than one to 4 units of residential  
21 real property without regard to transaction value or  
22 complexity.

23 (d) An associate real estate trainee appraiser is limited  
24 in scope of practice in all transactions or appraisal reports  
25 in accordance with the provisions of USPAP, this Act, and the

1 rules adopted pursuant to this Act. ~~In addition, an~~ An  
2 associate real estate trainee appraiser shall be required to  
3 have a State certified general real estate appraiser or State  
4 certified residential real estate appraiser who holds a valid  
5 license under this Act to co-sign all appraisal reports. A  
6 supervising appraiser may not supervise more than 3 associate  
7 real estate trainee appraisers at one time. Associate real  
8 estate trainee appraisers shall not be limited in the number  
9 of concurrent supervising appraisers. A chronological  
10 appraisal log on an approved log form shall be maintained by  
11 the associate real estate trainee appraiser and shall be made  
12 available to the Department upon request. Notwithstanding any  
13 other provision of this subsection to the contrary, the  
14 Appraisal Qualification Board may establish alternative  
15 experience requirements as an associate real estate trainee  
16 appraiser that is adopted by rule.

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

18 (225 ILCS 458/10-10)

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

20 Sec. 10-10. Standards of practice. All persons licensed  
21 under this Act must comply with standards of professional  
22 appraisal practice adopted by the Department. The Department  
23 must adopt, as part of its rules, the Uniform Standards of  
24 Professional Appraisal Practice (USPAP) as published from time  
25 to time by the Appraisal Standards Board of the Appraisal

1 Foundation. The Department shall consider federal laws and  
2 regulations, including, but not limited to, appraisal  
3 qualification board policies and guidelines, regarding the  
4 licensure of real estate appraisers prior to adopting its  
5 rules for the administration of this Act. When an appraisal  
6 obtained through an appraisal management company is used for  
7 loan purposes, the borrower or loan applicant shall be  
8 provided with a written disclosure of the total compensation  
9 to the appraiser or appraisal firm within the body of the  
10 appraisal report and it shall not be redacted or otherwise  
11 obscured.

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

13 (225 ILCS 458/15-10)

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

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

16 (a) The Department may suspend, revoke, refuse to issue,  
17 renew, or restore a license and may reprimand place on  
18 probation or administrative supervision, or take any  
19 disciplinary or non-disciplinary action, including imposing  
20 conditions limiting the scope, nature, or extent of the real  
21 estate appraisal practice of a licensee or reducing the  
22 appraisal rank of a licensee, and may impose an administrative  
23 fine not to exceed \$25,000 for each violation upon a licensee  
24 or applicant under this Act or any person who holds oneself out  
25 as an applicant or licensee for any one or combination of the

1 following:

2 (1) Procuring or attempting to procure a license by  
3 knowingly making a false statement, submitting false  
4 information, engaging in any form of fraud or  
5 misrepresentation, or refusing to provide complete  
6 information in response to a question in an application  
7 for licensure.

8 (2) Failing to meet the minimum qualifications for  
9 licensure as an appraiser established by this Act.

10 (3) Paying money, other than for the fees provided for  
11 by this Act, or anything of value to a member or employee  
12 of the Board or the Department to procure licensure under  
13 this Act.

14 (4) Conviction of, or plea of guilty or nolo  
15 contendere, as enumerated in subsection (e) of Section  
16 5-22, under the laws of any jurisdiction of the United  
17 States: (i) that is a felony, misdemeanor, or  
18 administrative sanction or (ii) that is a crime that  
19 subjects the licensee to compliance with the requirements  
20 of the Sex Offender Registration Act.

21 (5) Committing an act or omission involving  
22 dishonesty, fraud, or misrepresentation with the intent to  
23 substantially benefit the licensee or another person or  
24 with intent to substantially injure another person as  
25 defined by rule.

26 (6) Violating a provision or standard for the

1 development or communication of real estate appraisals as  
2 provided in Section 10-10 of this Act or as defined by  
3 rule.

4 (7) Failing or refusing without good cause to exercise  
5 reasonable diligence in developing, reporting, or  
6 communicating an appraisal, as defined by this Act or by  
7 rule.

8 (8) Violating a provision of this Act or the rules  
9 adopted pursuant to this Act.

10 (9) Having been disciplined by another state, the  
11 District of Columbia, a territory, a foreign nation, a  
12 governmental agency, or any other entity authorized to  
13 impose discipline if at least one of the grounds for that  
14 discipline is the same as or the equivalent of one of the  
15 grounds for which a licensee may be disciplined under this  
16 Act.

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

20 (11) Accepting an appraisal assignment when the  
21 employment itself is contingent upon the appraiser  
22 reporting a predetermined estimate, analysis, or opinion  
23 or when the fee to be paid is contingent upon the opinion,  
24 conclusion, or valuation reached or upon the consequences  
25 resulting from the appraisal assignment.

26 (12) Developing valuation conclusions based on the

1 race, color, religion, sex, national origin, ancestry,  
2 age, marital status, family status, physical or mental  
3 disability, sexual orientation, pregnancy, order of  
4 protection status, military status, ~~or~~ unfavorable  
5 military discharge, source of income, or any other  
6 protected class as defined under the Illinois Human Rights  
7 Act, of the prospective or present owners or occupants of  
8 the area or property under appraisal.

9 (13) Violating the confidential nature of government  
10 records to which the licensee gained access through  
11 employment or engagement as an appraiser by a government  
12 agency.

13 (14) Being adjudicated liable in a civil proceeding on  
14 grounds of fraud, misrepresentation, or deceit. In a  
15 disciplinary proceeding based upon a finding of civil  
16 liability, the appraiser shall be afforded an opportunity  
17 to present mitigating and extenuating circumstances, but  
18 may not collaterally attack the civil adjudication.

19 (15) Being adjudicated liable in a civil proceeding  
20 for violation of a state or federal fair housing law.

21 (16) Engaging in misleading or untruthful advertising  
22 or using a trade name or insignia of membership in a real  
23 estate appraisal or real estate organization of which the  
24 licensee is not a member.

25 (17) Failing to fully cooperate with a Department  
26 investigation by knowingly making a false statement,

1 submitting false or misleading information, or refusing to  
2 provide complete information in response to written  
3 interrogatories or a written request for documentation  
4 within 30 days of the request.

5 (18) Failing to include within the certificate of  
6 appraisal for all written appraisal reports the  
7 appraiser's license number and licensure title. All  
8 appraisers providing significant contribution to the  
9 development and reporting of an appraisal must be  
10 disclosed in the appraisal report. It is a violation of  
11 this Act for an appraiser to sign a report, transmittal  
12 letter, or appraisal certification knowing that a person  
13 providing a significant contribution to the report has not  
14 been disclosed in the appraisal report.

15 (19) Violating the terms of a disciplinary order or  
16 consent to administrative supervision order.

17 (20) Habitual or excessive use or addiction to  
18 alcohol, narcotics, stimulants, or any other chemical  
19 agent or drug that results in a licensee's inability to  
20 practice with reasonable judgment, skill, or safety.

21 (21) A physical or mental illness or disability which  
22 results in the inability to practice under this Act with  
23 reasonable judgment, skill, or safety.

24 (22) Gross negligence in developing an appraisal or in  
25 communicating an appraisal or failing to observe one or  
26 more of the Uniform Standards of Professional Appraisal



1 Practice.

2 (23) A pattern of practice or other behavior that  
3 demonstrates incapacity or incompetence to practice under  
4 this Act.

5 (24) Using or attempting to use the seal, certificate,  
6 or license of another as one's own; falsely impersonating  
7 any duly licensed appraiser; using or attempting to use an  
8 inactive, expired, suspended, or revoked license; or  
9 aiding or abetting any of the foregoing.

10 (25) Solicitation of professional services by using  
11 false, misleading, or deceptive advertising.

12 (26) Making a material misstatement in furnishing  
13 information to the Department.

14 (27) Failure to furnish information to the Department  
15 upon written request.

16 (b) The Department may reprimand suspend, revoke, or  
17 refuse to issue or renew an education provider's license, may  
18 reprimand, place on probation, or otherwise discipline an  
19 education provider and may suspend or revoke the course  
20 approval of any course offered by an education provider and  
21 may impose an administrative fine not to exceed \$25,000 upon  
22 an education provider, for any of the following:

23 (1) Procuring or attempting to procure licensure by  
24 knowingly making a false statement, submitting false  
25 information, engaging in any form of fraud or  
26 misrepresentation, or refusing to provide complete

1 information in response to a question in an application  
2 for licensure.

3 (2) Failing to comply with the covenants certified to  
4 on the application for licensure as an education provider.

5 (3) Committing an act or omission involving  
6 dishonesty, fraud, or misrepresentation or allowing any  
7 such act or omission by any employee or contractor under  
8 the control of the provider.

9 (4) Engaging in misleading or untruthful advertising.

10 (5) Failing to retain competent instructors in  
11 accordance with rules adopted under this Act.

12 (6) Failing to meet the topic or time requirements for  
13 course approval as the provider of a qualifying curriculum  
14 course or a continuing education course.

15 (7) Failing to administer an approved course using the  
16 course materials, syllabus, and examinations submitted as  
17 the basis of the course approval.

18 (8) Failing to provide an appropriate classroom  
19 environment for presentation of courses, with  
20 consideration for student comfort, acoustics, lighting,  
21 seating, workspace, and visual aid material.

22 (9) Failing to maintain student records in compliance  
23 with the rules adopted under this Act.

24 (10) Failing to provide a certificate, transcript, or  
25 other student record to the Department or to a student as  
26 may be required by rule.

1           (11) Failing to fully cooperate with an investigation  
2           by the Department by knowingly making a false statement,  
3           submitting false or misleading information, or refusing to  
4           provide complete information in response to written  
5           interrogatories or a written request for documentation  
6           within 30 days of the request.

7           (c) In appropriate cases, the Department may resolve a  
8           complaint against a licensee through the issuance of a Consent  
9           to Administrative Supervision order. A licensee subject to a  
10          Consent to Administrative Supervision order shall be  
11          considered by the Department as an active licensee in good  
12          standing. This order shall not be reported or considered by  
13          the Department to be a discipline of the licensee. The records  
14          regarding an investigation and a Consent to Administrative  
15          Supervision order shall be considered confidential and shall  
16          not be released by the Department except as mandated by law. ~~A~~  
17          ~~complainant shall be notified if the complaint has been~~  
18          ~~resolved by a Consent to Administrative Supervision order.~~

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

20          (225 ILCS 458/15-15)

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

22          Sec. 15-15. Investigation; notice; hearing.

23          (a) Upon the motion of the Department or the Board or upon  
24          a complaint in writing of a person setting forth facts that, if  
25          proven, would constitute grounds for suspension, revocation,

1 or other disciplinary action, the Department shall investigate  
2 the actions or qualifications of any person who is ~~against~~ a  
3 licensee, ~~or~~ applicant for licensure, unlicensed person,  
4 person rendering or offering to render appraisal services, or  
5 holding or claiming to hold a license under this Act ~~the~~  
6 ~~Department shall investigate the actions of the licensee or~~  
7 ~~applicant.~~ If, upon investigation, the Department believes  
8 that there may be cause for suspension, revocation, or other  
9 disciplinary action, the Department shall use the services of  
10 a State certified general real estate appraiser, a State  
11 certified residential real estate appraiser, or the  
12 Coordinator to assist in determining whether grounds for  
13 disciplinary action exist prior to commencing formal  
14 disciplinary proceedings.

15 (b) Formal disciplinary proceedings shall commence upon  
16 the issuance of a written complaint describing the charges  
17 that are the basis of the disciplinary action and delivery of  
18 the detailed complaint to the address of record of the person  
19 charged ~~licensee or applicant.~~ For an associate real estate  
20 trainee appraiser, a copy shall also be sent to the licensee's  
21 supervising appraiser of record. The Department shall notify  
22 the person ~~licensee or applicant~~ to file a verified written  
23 answer within 20 days after the service of the notice and  
24 complaint. The notification shall inform the person ~~licensee~~  
25 ~~or applicant~~ of the right to be heard in person or by legal  
26 counsel; that the hearing will be afforded not sooner than 20

1 days after service of the complaint; that failure to file an  
2 answer will result in a default being entered against the  
3 person ~~licensee or applicant~~; that the license may be  
4 suspended, revoked, or placed on probationary status; and that  
5 other disciplinary action may be taken pursuant to this Act,  
6 including limiting the scope, nature, or extent of the  
7 licensee's practice. If the person ~~licensee or applicant~~ fails  
8 to file an answer after service of notice, the respective  
9 license may, at the discretion of the Department, be  
10 suspended, revoked, or placed on probationary status and the  
11 Department may take whatever disciplinary action it deems  
12 proper, including limiting the scope, nature, or extent of the  
13 person's practice, without a hearing.

14 (c) At the time and place fixed in the notice, the Board  
15 shall conduct hearing of the charges, providing both the  
16 ~~accused~~ person charged and the complainant ample opportunity  
17 to present in person or by counsel such statements, testimony,  
18 evidence, and argument as may be pertinent to the charges or to  
19 a defense thereto.

20 (d) The Board shall present to the Secretary a written  
21 report of its findings of fact and recommendations. A copy of  
22 the report shall be served upon the person ~~licensee or~~  
23 ~~applicant~~, either ~~personally~~, by mail, or, at the discretion  
24 of the Department, by electronic means. For associate real  
25 estate trainee appraisers, a copy shall also be sent to the  
26 licensee's supervising appraiser of record. Within 20 days

1 after the service, the person ~~licensee or applicant~~ may  
2 present the Secretary with a motion in writing for a rehearing  
3 and shall specify the particular grounds for the request. If  
4 the person ~~accused~~ orders a transcript of the record as  
5 provided in this Act, the time elapsing thereafter and before  
6 the transcript is ready for delivery to the person ~~accused~~  
7 shall not be counted as part of the 20 days. If the Secretary  
8 is not satisfied that substantial justice has been done, the  
9 Secretary may order a rehearing by the Board or other special  
10 committee appointed by the Secretary, may remand the matter to  
11 the Board for its reconsideration of the matter based on the  
12 pleadings and evidence presented to the Board, or may enter a  
13 final order in contravention of the Board's recommendation.  
14 Notwithstanding a person's ~~licensee's or applicant's~~ failure  
15 to file a motion for rehearing, the Secretary shall have the  
16 right to take any of the actions specified in this subsection  
17 (d). Upon the suspension or revocation of a license, the  
18 licensee shall be required to surrender the respective license  
19 to the Department, and upon failure or refusal to do so, the  
20 Department shall have the right to seize the license.

21 (e) The Department has the power to issue subpoenas and  
22 subpoenas duces tecum to bring before it any person in this  
23 State, to take testimony, or to require production of any  
24 records relevant to an inquiry or hearing by the Board in the  
25 same manner as prescribed by law in judicial proceedings in  
26 the courts of this State. In a case of refusal of a witness to

1 attend, testify, or to produce books or papers concerning a  
2 matter upon which the witness might be lawfully examined, the  
3 circuit court of the county where the hearing is held, upon  
4 application of the Department or any party to the proceeding,  
5 may compel obedience by proceedings as for contempt.

6 (f) Any license that is revoked may not be restored for a  
7 minimum period of 3 years.

8 (g) In addition to the provisions of this Section  
9 concerning the conduct of hearings and the recommendations for  
10 discipline, the Department has the authority to negotiate  
11 disciplinary and non-disciplinary settlement agreements  
12 concerning any license issued under this Act. All such  
13 agreements shall be recorded as Consent Orders or Consent to  
14 Administrative Supervision Orders.

15 (h) The Secretary shall have the authority to appoint an  
16 attorney duly licensed to practice law in the State of  
17 Illinois to serve as the hearing officer in any action to  
18 suspend, revoke, or otherwise discipline any license issued by  
19 the Department. The Hearing Officer shall have full authority  
20 to conduct the hearing.

21 (i) The Department, at its expense, shall preserve a  
22 record of all formal hearings of any contested case involving  
23 the discipline of a license. At all hearings or pre-hearing  
24 conferences, the Department and the licensee shall be entitled  
25 to have the proceedings transcribed by a certified shorthand  
26 reporter. A copy of the transcribed proceedings shall be made

1 available to the licensee by the certified shorthand reporter  
2 upon payment of the prevailing contract copy rate.

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

4 (225 ILCS 458/25-10)

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

6 Sec. 25-10. Real Estate Appraisal Administration and  
7 Disciplinary Board; appointment.

8 (a) There is hereby created the Real Estate Appraisal  
9 Administration and Disciplinary Board. The Board shall be  
10 composed of the Coordinator and 10 persons appointed by the  
11 Governor. Members shall be appointed to the Board subject to  
12 the following conditions:

13 (1) All appointed members shall have been residents  
14 and citizens of this State for at least 5 years prior to  
15 the date of appointment.

16 (2) The appointed membership of the Board should  
17 reasonably reflect the geographic distribution of the  
18 population of the State.

19 (3) Four appointed members shall have been actively  
20 engaged and currently licensed as State certified general  
21 real estate appraisers for a period of not less than 5  
22 years.

23 (4) Three appointed members shall have been actively  
24 engaged and currently licensed as State certified  
25 residential real estate appraisers for a period of not



1 less than 5 years.

2 (5) One appointed member shall hold a valid license as  
3 a real estate broker for at least 3 years prior to the date  
4 of the appointment and shall hold either a valid State  
5 certified general real estate appraiser license or a valid  
6 State certified residential appraiser license issued under  
7 this Act or a predecessor Act for a period of at least 5  
8 years prior to the appointment.

9 (6) One appointed member shall be a representative of  
10 a financial institution, as evidenced by proof of  
11 employment with a financial institution.

12 (7) One appointed member shall represent the interests  
13 of the general public. This member or the member's spouse  
14 shall not be licensed under this Act nor be employed by or  
15 have any financial interest in an appraisal business,  
16 appraisal management company, real estate brokerage  
17 business, or a financial institution.

18 In making appointments as provided in paragraphs (3) and  
19 (4) of this subsection, the Governor shall give due  
20 consideration to recommendations by members and organizations  
21 representing the profession.

22 In making the appointments as provided in paragraph (5) of  
23 this subsection, the Governor shall give due consideration to  
24 the recommendations by members and organizations representing  
25 the real estate industry.

26 In making the appointment as provided in paragraph (6) of

1 this subsection, the Governor shall give due consideration to  
2 the recommendations by members and organizations representing  
3 financial institutions.

4 (b) The members' terms shall be for 4 years or until a  
5 successor is appointed. No member shall be reappointed to the  
6 Board for a term that would cause the member's cumulative  
7 service to the Board to exceed 12 ~~10~~ years. Appointments to  
8 fill vacancies shall be for the unexpired portion of the term.

9 (c) The Governor may terminate the appointment of a member  
10 for cause that, in the opinion of the Governor, reasonably  
11 justifies the termination. Cause for termination may include,  
12 without limitation, misconduct, incapacity, neglect of duty,  
13 or missing 4 Board meetings during any one fiscal year.

14 (d) A majority of the Board members shall constitute a  
15 quorum. A vacancy in the membership of the Board shall not  
16 impair the right of a quorum to exercise all of the rights and  
17 perform all of the duties of the Board.

18 (e) The Board shall meet at least monthly and may be  
19 convened by the Chairperson, Vice-Chairperson, or 3 members of  
20 the Board upon 10 days written notice.

21 (f) The Board shall, annually at the first meeting of the  
22 fiscal year, elect a Chairperson and Vice-Chairperson from its  
23 members. The Chairperson shall preside over the meetings and  
24 shall coordinate with the Coordinator in developing and  
25 distributing an agenda for each meeting. In the absence of the  
26 Chairperson, the Vice-Chairperson shall preside over the

1 meeting.

2 (g) The Coordinator shall serve as a member of the Board  
3 without vote.

4 (h) The Board shall advise and make recommendations to the  
5 Department on the education and experience qualifications of  
6 any applicant for initial licensure as a State certified  
7 general real estate appraiser or a State certified residential  
8 real estate appraiser. The Department shall not make any  
9 decisions concerning education or experience qualifications of  
10 an applicant for initial licensure as a State certified  
11 general real estate appraiser or a State certified residential  
12 real estate appraiser without having first received the advice  
13 and recommendation of the Board and shall give due  
14 consideration to all such advice and recommendations; however,  
15 if the Board does not render advice or make a recommendation  
16 within a reasonable amount of time, then the Department may  
17 render a decision.

18 (i) Except as provided in Section 15-17 of this Act, the  
19 Board shall hear and make recommendations to the Secretary on  
20 disciplinary matters that require a formal evidentiary  
21 hearing. The Secretary shall give due consideration to the  
22 recommendations of the Board involving discipline and  
23 questions involving standards of professional conduct of  
24 licensees.

25 (j) The Department shall seek and the Board shall provide  
26 recommendations to the Department consistent with the

1 provisions of this Act and for the administration and  
2 enforcement of all rules adopted pursuant to this Act. The  
3 Department shall give due consideration to such  
4 recommendations prior to adopting rules.

5 (k) The Department shall seek and the Board shall provide  
6 recommendations to the Department on the approval of all  
7 courses submitted to the Department pursuant to this Act and  
8 the rules adopted pursuant to this Act. The Department shall  
9 not approve any courses without having first received the  
10 recommendation of the Board and shall give due consideration  
11 to such recommendations prior to approving and licensing  
12 courses; however, if the Board does not make a recommendation  
13 within a reasonable amount of time, then the Department may  
14 approve courses.

15 (l) Each voting member of the Board may receive a per diem  
16 stipend in an amount to be determined by the Secretary. While  
17 engaged in the performance of duties, each member shall be  
18 reimbursed for necessary expenses.

19 (m) Members of the Board shall be immune from suit in an  
20 action based upon any disciplinary proceedings or other acts  
21 performed in good faith as members of the Board.

22 (n) If the Department disagrees with any advice or  
23 recommendation provided by the Board under this Section to the  
24 Secretary or the Department, then notice of such disagreement  
25 must be provided to the Board by the Department.

26 (o) (Blank).

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

2 Section 35. The Appraisal Management Company Registration  
3 Act is amended by changing Sections 65, 75, and 95 as follows:

4 (225 ILCS 459/65)

5 Sec. 65. Disciplinary actions.

6 (a) The Department may refuse to issue or renew, or may  
7 revoke, suspend, place on probation, reprimand, or take other  
8 disciplinary or non-disciplinary action as the Department may  
9 deem appropriate, including imposing fines not to exceed  
10 \$25,000 for each violation upon any registrant or applicant  
11 under this Act or entity who holds oneself or itself out as an  
12 applicant or registrant , ~~with regard to any registration for~~  
13 any one or combination of the following:

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

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

18 (3) Conviction of, or entry of a plea of guilty or nolo  
19 contendere to any crime that is a felony under the laws of  
20 the United States or any state or territory thereof or  
21 that is a misdemeanor of which an essential element is  
22 dishonesty, or any crime that is directly related to the  
23 practice of the profession.

24 (4) Making any misrepresentation for the purpose of

1 obtaining registration or violating any provision of this  
2 Act or the rules adopted under this Act pertaining to  
3 advertising.

4 (5) Professional incompetence.

5 (6) Gross malpractice.

6 (7) Aiding or assisting another person in violating  
7 any provision of this Act or rules adopted under this Act.

8 (8) Failing, within 30 days after requested, to  
9 provide information in response to a written request made  
10 by the Department.

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

14 (10) Discipline by another state, District of  
15 Columbia, territory, or foreign nation, if at least one of  
16 the grounds for the discipline is the same or  
17 substantially equivalent to those set forth in this  
18 Section.

19 (11) A finding by the Department that the registrant,  
20 after having the registrant's ~~his or her~~ registration  
21 placed on probationary status, has violated the terms of  
22 probation.

23 (12) Willfully making or filing false records or  
24 reports in the registrant's ~~his or her~~ practice,  
25 including, but not limited to, false records filed with  
26 State agencies or departments.

1           (13) Filing false statements for collection of fees  
2           for which services are not rendered.

3           (14) Practicing under a false or, except as provided  
4           by law, an assumed name.

5           (15) Fraud or misrepresentation in applying for, or  
6           procuring, a registration under this Act or in connection  
7           with applying for renewal of a registration under this  
8           Act.

9           (16) Being adjudicated liable in a civil proceeding  
10          for violation of a state or federal fair housing law.

11          (17) Failure to obtain or maintain the bond required  
12          under Section 50 of this Act.

13          (18) Failure to pay appraiser panel fees or appraisal  
14          management company national registry fees.

15          (19) Violating the terms of any order issued by the  
16          Department.

17          (b) The Department may refuse to issue or may suspend  
18          without hearing as provided for in the Civil Administrative  
19          Code of Illinois the registration of any person who fails to  
20          file a return, or to pay the tax, penalty, or interest shown in  
21          a filed return, or to pay any final assessment of the tax,  
22          penalty, or interest as required by any tax Act administered  
23          by the Illinois Department of Revenue, until such time as the  
24          requirements of any such tax Act are satisfied.

25          (c) An appraisal management company shall not be  
26          registered or included on the national registry if the

1 company, in whole or in part, directly or indirectly, is owned  
2 by a person who has had an appraiser license or certificate  
3 refused, denied, canceled, surrendered in lieu of revocation,  
4 or revoked under the Real Estate Appraiser Licensing Act of  
5 2002 or the rules adopted under that Act, or similar  
6 discipline by another state, the District of Columbia, a  
7 territory, a foreign nation, a governmental agency, or an  
8 entity authorized to impose discipline if at least one of the  
9 grounds for that discipline is the same as or the equivalent of  
10 one of the grounds for which a licensee may be disciplined as  
11 set forth under this Section.

12 (Source: P.A. 100-604, eff. 7-13-18; 101-81, eff. 7-12-19.)

13 (225 ILCS 459/75)

14 Sec. 75. Investigations; notice and hearing. The  
15 Department may investigate the actions of any person who is an  
16 applicant or of any person or persons rendering or offering to  
17 render any services requiring registration under this Act or  
18 any person holding or claiming to hold a registration as an  
19 appraisal management company. The Department shall, before  
20 revoking, suspending, placing on probation, reprimanding, or  
21 taking any other disciplinary or non-disciplinary action under  
22 Section 65 of this Act, at least 30 days before the date set  
23 for the hearing, (i) notify the person charged ~~accused~~ in  
24 writing of the charges made and the time and place for the  
25 hearing on the charges, (ii) direct the person ~~him or her~~ to



1 file a written answer to the charges with the Department under  
2 oath within 20 days after ~~the service on him or her~~ of the  
3 notice, and (iii) inform the person ~~accused~~ that, if the  
4 person ~~he or she~~ fails to answer, default will be entered ~~taken~~  
5 ~~against him or her~~ or that the person's ~~his or her~~ registration  
6 may be suspended, revoked, placed on probationary status, or  
7 other disciplinary action taken with regard to the  
8 registration, including limiting the scope, nature, or extent  
9 of the person's ~~his or her~~ practice, as the Department may  
10 consider proper. At the time and place fixed in the notice, the  
11 Department shall proceed to hear the charges and the parties  
12 or their counsel shall be accorded ample opportunity to  
13 present any pertinent statements, testimony, evidence, and  
14 arguments. The Department may continue the hearing from time  
15 to time. In case the person, after receiving the notice, fails  
16 to file an answer, the person's ~~his or her~~ registration may, in  
17 the discretion of the Department, be suspended, revoked,  
18 placed on probationary status, or the Department may take  
19 whatever disciplinary action considered proper, including  
20 limiting the scope, nature, or extent of the person's practice  
21 or the imposition of a fine, without a hearing, if the act or  
22 acts charged constitute sufficient grounds for that action  
23 under this Act. The written notice may be served by ~~personal~~  
24 ~~delivery or by certified~~ mail or electronic mail to the last  
25 address of record or email address of record as provided to  
26 ~~specified by the accused in his or her last notification with~~

1 the Department.

2 (Source: P.A. 97-602, eff. 8-26-11.)

3 (225 ILCS 459/95)

4 Sec. 95. Findings and recommendations. At the conclusion  
5 of the hearing, the designated hearing officer shall present  
6 to the Secretary a written report of ~~his or her~~ findings of  
7 fact, conclusions of law, and recommendations. The report  
8 shall contain a finding whether or not the ~~accused~~ person  
9 charged violated this Act or its rules or failed to comply with  
10 the conditions required in this Act or its rules. The hearing  
11 officer shall specify the nature of any violations or failure  
12 to comply and shall make ~~his or her~~ recommendations to the  
13 Secretary. In making recommendations for any disciplinary  
14 actions, the hearing officer may take into consideration all  
15 facts and circumstances bearing upon the reasonableness of the  
16 conduct of the person charged ~~accused~~ and the potential for  
17 future harm to the public, including, but not limited to,  
18 previous discipline ~~of the accused~~ by the Department, intent,  
19 degree of harm to the public and likelihood of harm in the  
20 future, any restitution made ~~by the accused~~, and whether the  
21 incident or incidents contained in the complaint appear to be  
22 isolated or represent a continuing pattern of conduct. In  
23 making ~~his or her~~ recommendations for discipline, the hearing  
24 officer shall endeavor to ensure that the severity of the  
25 discipline recommended is reasonably related to the severity

1 of the violation. The report of findings of fact, conclusions  
2 of law, and recommendation of the hearing officer shall be the  
3 basis for the Department's order refusing to issue, restore,  
4 or renew a registration, or otherwise disciplining a person  
5 ~~registrant~~. If the Secretary disagrees with the  
6 recommendations of the hearing officer, the Secretary may  
7 issue an order in contravention of the hearing officer  
8 recommendations. The finding is not admissible in evidence  
9 against the person in a criminal prosecution brought for a  
10 violation of this Act, but the hearing and finding are not a  
11 bar to a criminal prosecution brought for a violation of this  
12 Act.

13 (Source: P.A. 97-602, eff. 8-26-11.)".