

1 AN ACT concerning regulation.

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

4 Section 5. The 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9 (Section scheduled to be repealed on January 1, 2030)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.

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

1 Department for completion of continuing education from schools
2 approved by the Department, as established by rule.

3 (c) The Department, in its discretion, may waive
4 enforcement of the continuing education requirements of this
5 Section and shall adopt rules defining the standards and
6 criteria for such waiver.

7 (d) (Blank).

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

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

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

21 (225 ILCS 407/10-40)

22 (Section scheduled to be repealed on January 1, 2030)

23 Sec. 10-40. Restoration.

24 (a) A licensee whose license has lapsed or expired shall
25 have 2 years from the expiration date to restore licensure ~~his~~

1 ~~or her license~~ without examination. The expired licensee shall
2 make application to the Department on forms provided by the
3 Department, provide evidence of successful completion of 12
4 hours of approved continuing education during the period of
5 time the license had lapsed, and pay all fees and penalties as
6 established by rule.

7 (b) Notwithstanding any other provisions of this Act to
8 the contrary, any licensee whose license under this Act has
9 expired is eligible to restore such license without paying any
10 lapsed fees and penalties if the license expired while the
11 licensee was:

12 (1) on active duty with the United States Army, United
13 States Marine Corps, United States Navy, United States Air
14 Force, United States Coast Guard, the State Militia called
15 into service or training;

16 (2) engaged in training or education under the
17 supervision of the United States prior to induction into
18 military service; or

19 (3) serving as an employee of the Department, while
20 the employee was required to surrender the ~~his or her~~
21 license ~~due to a possible conflict of interest.~~

22 A licensee shall also be eligible to restore a license
23 under paragraphs (1), (2), and (3) without completing the
24 continuing education requirements for that licensure period.
25 For ~~this subsection for~~ a period of 2 years following the
26 termination of the service or education if the termination was

1 by other than dishonorable discharge and the licensee
2 furnishes the Department with an affidavit specifying that the
3 licensee has been so engaged.

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

12 (225 ILCS 407/10-50)

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

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

15 (a) The Department shall establish by rule a schedule of
16 fees for the administration and maintenance of this Act. Such
17 fees shall be nonrefundable.

18 (b) Prior to July 1, 2023, all fees collected under this
19 Act shall be deposited into the General Professions Dedicated
20 Fund and appropriated to the Department for the ordinary and
21 contingent expenses of the Department in the administration of
22 this Act. Beginning on July 1, 2023, all fees, fines,
23 penalties, or other monies received or collected pursuant to
24 this Act shall be deposited in the Division of Real Estate
25 General Fund. On or after July 1, 2023, the balance of funds

1 collected pursuant to this Act that is in the General
2 Professions Dedicated Fund shall be transferred into the
3 Division of Real Estate General Fund.

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

5 (225 ILCS 407/20-15)

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

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

16 (1) False or fraudulent representation or material
17 misstatement in furnishing information to the Department
18 in obtaining or seeking to obtain a license.

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

21 (3) Conviction of or entry of a plea of guilty or nolo
22 contendere, as set forth in subsection (c) of Section
23 10-5, to any crime that is a felony or misdemeanor under
24 the laws of the United States or any state or territory
25 thereof, or entry of an administrative sanction by a

1 government agency in this State or any other jurisdiction.

2 (3.5) Failing to notify the Department, within 30 days
3 after the occurrence, of the information required in
4 subsection (c) of Section 10-5.

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

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

21 (6) Engaging in the practice of auctioneering,
22 conducting an auction, or providing an auction service
23 without a license or after the license was expired,
24 revoked, suspended, or terminated or while the license was
25 inoperative.

26 (7) Attempting to subvert or cheat on the auctioneer

1 exam or any continuing education exam, or aiding or
2 abetting another to do the same.

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

11 (9) Making any substantial misrepresentation or
12 untruthful advertising.

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

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

18 (12) Any misleading or untruthful advertising, or
19 using any trade name or insignia of membership in any
20 auctioneer association or organization of which the
21 licensee is not a member.

22 (13) Commingling funds of others with the licensee's
23 own funds or failing to keep the funds of others in an
24 escrow or trustee account.

25 (14) Failure to account for, remit, or return any
26 moneys, property, or documents coming into the licensee's

1 possession that belong to others, acquired through the
2 practice of auctioneering, conducting an auction, or
3 providing an auction service within 30 days of the written
4 request from the owner of said moneys, property, or
5 documents.

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

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

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

21 (18) Failing to voluntarily furnish copies of all
22 written instruments prepared by the auctioneer and signed
23 by all parties to all parties at the time of execution.

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

26 (20) Engaging in any act that constitutes a violation

1 ~~of Section 2-102, 3-103, or 3-105~~ of the Illinois Human
2 Rights Act.

3 (21) (Blank).

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

7 (23) Offering or advertising real estate for sale or
8 lease at auction without a valid broker or managing
9 broker's license under the Real Estate License Act of
10 1983, or any successor Act, unless exempt from licensure
11 under the terms of the Real Estate License Act of 2000, or
12 any successor Act, except as provided in Section 5-32 of
13 the Real Estate License Act of 2000.

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

17 (25) A pattern of practice or other behavior that
18 demonstrates incapacity or incompetence to practice under
19 this Act.

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

1 (27) Inability to practice with reasonable judgment,
2 skill, or safety as a result of habitual or excessive use
3 or addiction to alcohol, narcotics, stimulants, or any
4 other chemical agent or drug.

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

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

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

11 (225 ILCS 407/20-43)

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

13 Sec. 20-43. Investigations; notice and hearing. The
14 Department may investigate the actions or qualifications of
15 any person who is an applicant, unlicensed person, or person
16 rendering or offering to render auction services, or holding
17 or claiming to hold a license as a licensed auctioneer. At
18 least 30 days before any disciplinary hearing under this Act,
19 the Department shall: (i) notify the person charged ~~accused~~ in
20 writing of the charges made and the time and place of the
21 hearing; (ii) direct the person ~~accused~~ to file with the Board
22 a written answer under oath to the charges within 20 days of
23 receiving service of the notice; and (iii) inform the person
24 ~~accused~~ that if the person ~~he or she~~ fails to file an answer to
25 the charges within 20 days of receiving service of the notice,

1 ~~a~~ default judgment may be entered and the ~~against him or her,~~
2 ~~or his or her~~ license may be suspended, revoked, placed on
3 probationary status, or other disciplinary action taken with
4 regard to the license as the Department may consider proper,
5 including, but not limited to, limiting the scope, nature, or
6 extent of the licensee's practice, or imposing a fine.

7 At the time and place of the hearing fixed in the notice,
8 the Board shall proceed to hear the charges, and the person
9 ~~accused~~ or person's ~~his or her~~ counsel shall be accorded ample
10 opportunity to present any pertinent statements, testimony,
11 evidence, and arguments in the person's ~~his or her~~ defense.
12 The Board may continue the hearing when it deems it
13 appropriate.

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

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

19 (225 ILCS 407/20-50)

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

21 Sec. 20-50. Findings and recommendations. At the
22 conclusion of the hearing, the Board shall present to the
23 Secretary a written report of its findings of fact,
24 conclusions of law, and recommendations. The report shall
25 contain a finding whether or not the ~~accused~~ person charged

1 violated this Act or any rules promulgated pursuant to this
2 Act. The Board shall specify the nature of any violations and
3 shall make its recommendations to the Secretary. In making
4 recommendations for any disciplinary action, the Board may
5 take into consideration all facts and circumstances bearing
6 upon the reasonableness of the conduct of the person accused,
7 including, but not limited to, previous discipline of the
8 person accused by the Department, intent, degree of harm to
9 the public and likelihood of future harm to the public, any
10 restitution made by the person accused, and whether the
11 incident or incidents contained in the complaint appear to be
12 isolated or represent a continuing pattern of conduct. In
13 making its recommendations for discipline, the Board shall
14 endeavor to ensure that the severity of the discipline
15 recommended is reasonably proportional to the severity of the
16 violation.

17 The report of the Board's findings of fact, conclusions of
18 law, and recommendations shall be the basis for the
19 Department's decision to refuse to issue, restore, or renew a
20 license, or to take any other disciplinary action. If the
21 Secretary disagrees with the recommendations of the Board, the
22 Secretary may issue an order in contravention of the Board
23 recommendations. The report's findings are not admissible in
24 evidence against the person in a criminal prosecution brought
25 for a violation of this Act, but the hearing and findings are
26 not a bar to a criminal prosecution for the violation of this

1 Act.

2 If the Secretary disagrees in any regard with the report
3 of the Advisory Board, the Secretary may issue an order in
4 contravention of the report. The Secretary shall provide a
5 written report to the Advisory Board on any deviation and
6 shall specify with particularity the reasons for that action
7 in the final order.

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

9 (225 ILCS 407/20-65)

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

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

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

18 (225 ILCS 407/20-110 new)

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

1 (225 ILCS 407/20-115 new)

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

9 (225 ILCS 407/25-110 new)

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

11 (a) Only an auction school licensed by the Department may
12 provide the continuing education courses required for
13 licensure under this Act.

14 (b) An auction school may also provide the course required
15 to obtain the real estate auction certification in Section
16 5-32 of the Real Estate License Act of 2000. The course shall
17 be approved by the Real Estate Administration and Disciplinary
18 Board pursuant to Section 25-10 of the Real Estate License Act
19 of 2000.

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

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

25 (2) a sufficient number of qualified instructors;

1 (3) adequate support personnel to assist with
2 administrative matters and technical assistance;

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

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

8 (6) any other requirements provided by rule.

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

18 (e) An auction school shall provide each successful course
19 participant with a certificate of completion signed by the
20 school administrator. The format and content of the
21 certificate shall be specified by rule.

22 (f) All auction schools shall provide to the Department a
23 roster of all successful course participants as provided by
24 rule.

1 Sec. 25-115. Course approval.

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

5 (b) An auction school licensed under this Act may submit
6 courses to the Department for approval. The criteria,
7 requirements, and fees for courses shall be established by
8 rule.

9 (c) For each course approved, the Department shall issue
10 certification of course approval to the auction school. The
11 term, expiration date, and renewal of a course approval shall
12 be established by rule.

13 (225 ILCS 407/30-30)

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

15 Sec. 30-30. Auction Advisory Board.

16 (a) There is hereby created the Auction Advisory Board.
17 The Advisory Board shall consist of 7 members and shall be
18 appointed by the Secretary. In making the appointments, the
19 Secretary shall give due consideration to the recommendations
20 by members and organizations of the industry, including, but
21 not limited to, the Illinois State Auctioneers Association.
22 Five members of the Advisory Board shall be licensed
23 auctioneers. One member shall be a public member who
24 represents the interests of consumers and who is not licensed
25 under this Act or the spouse of a person licensed under this

1 Act or who has any responsibility for management or formation
2 of policy of or any financial interest in the auctioneering
3 profession. One member shall be actively engaged in the real
4 estate industry and licensed as a broker or managing broker.
5 The Advisory Board shall annually elect, at its first meeting
6 of the fiscal year, one of its members to serve as Chairperson.

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

20 (c) Four Board members shall constitute a quorum. A quorum
21 is required for all Board decisions. A vacancy in the
22 membership of the Board shall not impair the right of a quorum
23 to exercise all of the rights and perform all of the duties of
24 the Board.

25 (d) Each member of the Advisory Board may receive a per
26 diem stipend in an amount to be determined by the Secretary.

1 While engaged in the performance of duties, each member shall
2 be reimbursed for necessary expenses.

3 (e) Members of the Advisory Board shall be immune from
4 suit in an action based upon any disciplinary proceedings or
5 other acts performed in good faith as members of the Advisory
6 Board.

7 (f) The Advisory Board shall meet as convened by the
8 Department.

9 (g) The Advisory Board shall advise the Department on
10 matters of licensing and education and make recommendations to
11 the Department on those matters and shall hear and make
12 recommendations to the Secretary on disciplinary matters that
13 require a formal evidentiary hearing.

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

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

17 Section 10. The Community Association Manager Licensing
18 and Disciplinary Act is amended by changing Sections 25, 32,
19 60, 85, 95, and 130 as follows:

20 (225 ILCS 427/25)

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

22 Sec. 25. Community Association Manager Licensing and
23 Disciplinary Board.

24 (a) There is hereby created the Community Association

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

12 (b) The term of each member shall be for 4 years and until
13 that member's successor is appointed. No member shall be
14 reappointed to the Board for a term that would cause the
15 member's cumulative service to the Board to exceed 12 ~~10~~
16 years. Appointments to fill vacancies shall be made by the
17 Secretary for the unexpired portion of the term. The Secretary
18 shall remove from the Board any member whose license has
19 become void or has been revoked or suspended and may remove any
20 member of the Board for neglect of duty, misconduct, ~~or~~
21 incompetence, or for missing 2 board meetings during any one
22 fiscal year. A member who is subject to formal disciplinary
23 proceedings shall be disqualified from all Board business
24 until the charge is resolved. A member also shall be
25 disqualified from any matter on which the member cannot act
26 objectively.

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

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

12 (f) The Board may recommend policies, procedures, and
13 rules relevant to the administration and enforcement of this
14 Act.

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

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

19 (225 ILCS 427/32)

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

21 Sec. 32. Social Security Number or Individual Taxpayer
22 ~~Federal Tax~~ Identification Number on license application. In
23 addition to any other information required to be contained in
24 the application, every application for an original license
25 under this Act shall include the applicant's Social Security

1 Number or Individual Taxpayer ~~Federal Tax~~ Identification
2 Number, which shall be retained in the Department's records
3 pertaining to the license. As soon as practical, the
4 Department shall assign a customer's identification number to
5 each applicant for a license.

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

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

9 (225 ILCS 427/60)

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

11 Sec. 60. Licenses; renewals; restoration; person in
12 military service.

13 (a) The expiration date, fees, and renewal period for each
14 license issued under this Act shall be set by rule. The
15 Department may promulgate rules requiring continuing education
16 and set all necessary requirements for such, including, but
17 not limited to, fees, approved coursework, number of hours,
18 and waivers of continuing education.

19 (b) Any licensee who has an expired license may have the
20 license restored by applying to the Department and filing
21 proof acceptable to the Department of fitness to have the
22 expired license restored, which may include sworn evidence
23 certifying to active practice in another jurisdiction
24 satisfactory to the Department, complying with any continuing
25 education requirements, and paying the required restoration

1 fee.

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

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

23 (e) A community association manager or community
24 association management firm requesting that the license be
25 changed from inactive to active status shall be required to
26 pay the current renewal fee and shall also demonstrate

1 compliance with the continuing education requirements.

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

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

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

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

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

23 (225 ILCS 427/85)

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

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

1 suspension.

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

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

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

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

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

26 (5) Professional incompetence.

1 (6) Gross negligence.

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

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

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

11 (10) Habitual or excessive use or addiction to
12 alcohol, narcotics, stimulants, or any other chemical
13 agent or drug that results in the inability to practice
14 with reasonable judgment, skill, or safety.

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

23 (12) Directly or indirectly giving to or receiving
24 from any person, firm, corporation, partnership, or
25 association any fee, commission, rebate, or other form of
26 compensation for any services not actually or personally

1 rendered.

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

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

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

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

19 (17) Solicitation of professional services by using
20 false or misleading advertising.

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

23 (19) Practicing or attempting to practice under a name
24 other than the full name as shown on the license or any
25 other legally authorized name unless approved by the
26 Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 association.

2 (b) (Blank).

3 (c) 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 terminate 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 an order so finding and discharging the
10 patient, and upon the recommendation of the Board to the
11 Secretary that the licensee be allowed to resume practice as a
12 licensed community association manager.

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

23 (e) In accordance with subdivision (a)(5) of Section
24 2105-15 of the Department of Professional Regulation Law of
25 the Civil Administrative Code of Illinois (20 ILCS
26 2105/2105-15) and in cases where the Department of Healthcare

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

10 (f) (Blank).

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

12 (225 ILCS 427/95)

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

14 Sec. 95. Investigation; notice and hearing. The
15 Department may investigate the actions or qualifications of a
16 person, which includes an entity, ~~or other business~~ applying
17 for, holding or claiming to hold, or holding oneself out as
18 having a license or rendering or offering to render services
19 for which a license is required by this Act ~~and may notify~~
20 ~~their designated community association manager, if any, of the~~
21 ~~pending investigation.~~ Before suspending, revoking, placing on
22 probationary status, or taking any other disciplinary action
23 as the Department may deem proper with regard to any license,
24 at least 30 days before the date set for the hearing, the
25 Department shall (i) notify the person charged ~~accused~~ and the

1 person's ~~their~~ designated community association manager, if
2 any, in writing of any charges made and the time and place for
3 a hearing on the charges before the Board, (ii) direct the
4 person ~~accused~~ to file a written answer to the charges with the
5 Board under oath within 20 days after the service on the person
6 ~~accused~~ of such notice, and (iii) inform the person ~~accused~~
7 that if the person ~~accused~~ fails to file an answer, default
8 will be taken against the person ~~accused~~ and the license of the
9 person ~~accused~~ may be suspended, revoked, placed on
10 probationary status, or other disciplinary action taken with
11 regard to the license, including limiting the scope, nature,
12 or extent of related practice, as the Department may deem
13 proper. The Department shall serve notice under this Section
14 by regular or electronic mail to the person's ~~applicant's or~~
15 ~~licensee's~~ last address of record or email address of record
16 as provided to the Department. If the person ~~accused~~ fails to
17 file an answer after receiving notice, the license may, in the
18 discretion of the Department, be suspended, revoked, or placed
19 on probationary status, or the Department may take whatever
20 disciplinary action deemed proper, including limiting the
21 scope, nature, or extent of the person's practice or the
22 imposition of a fine, without a hearing, if the act or acts
23 charged constitute sufficient grounds for such action under
24 this Act. The answer shall be served by ~~personal delivery or~~
25 regular mail or electronic mail to the Department. At the time
26 and place fixed in the notice, the Department shall proceed to

1 hear the charges and the parties or their counsel shall be
2 accorded ample opportunity to present such statements,
3 testimony, evidence, and argument as may be pertinent to the
4 charges or to the defense thereto. The Department may continue
5 such hearing from time to time. At the discretion of the
6 Secretary after having first received the recommendation of
7 the Board, the ~~accused~~ person's license may be suspended,
8 revoked, or placed on probationary status or the Department
9 may take whatever disciplinary action considered proper,
10 including limiting the scope, nature, or extent of the
11 person's practice or the imposition of a fine if the act or
12 acts charged constitute sufficient grounds for that action
13 under this Act. A copy of the Department's final disciplinary
14 order shall be delivered to the person's ~~accused's~~ designated
15 community association manager or may be sent to the community
16 association that, if the accused is directly employs the
17 person employed by a community association, to the board of
18 managers of that association if known to the Department.

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

20 (225 ILCS 427/130)

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

22 Sec. 130. Restoration of ~~suspended or revoked~~ license. At
23 any time after the successful completion of a term of
24 suspension, ~~or~~ revocation, or probation of a license, the
25 Department may restore it to the licensee, upon the written

1 recommendation of the Board, unless after an investigation and
2 a hearing the Board determines that restoration is not in the
3 public interest.

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

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

8 (225 ILCS 441/5-10)

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

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

11 (a) Every natural person who desires to obtain a home
12 inspector license shall:

13 (1) apply to the Department in a manner prescribed by
14 the Department and accompanied by the required fee; all
15 applications shall contain the information that, in the
16 judgment of the Department, enables the Department to pass
17 on the qualifications of the applicant for a license to
18 practice as a home inspector as set by rule;

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

20 (3) successfully complete a 4-year course of study in
21 a high school or secondary school or an equivalent course
22 of study approved by the state in which the school is
23 located, or possess a State of Illinois High School
24 Diploma, which shall be verified under oath by the

1 applicant;

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

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

8 (b) The Department shall not require applicants to report
9 the following information and shall not consider the following
10 criminal history records in connection with an application for
11 licensure or registration:

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

16 (2) law enforcement records, court records, and
17 conviction records of an individual who was 17 years old
18 at the time of the offense and before January 1, 2014,
19 unless the nature of the offense required the individual
20 to be tried as an adult;

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

23 (4) records of arrest where the charges were dismissed
24 unless related to the practice of the profession; however,
25 applicants shall not be asked to report any arrests, and
26 an arrest not followed by a conviction shall not be the

1 basis of denial and may be used only to assess an
2 applicant's rehabilitation;

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

4 (6) convictions or arrests that have been sealed or
5 expunged.

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

20 (d) Applicants have 3 years after the date of the
21 application to complete the application process. If the
22 process has not been completed within 3 years, the application
23 shall be denied, the fee forfeited, and the applicant must
24 reapply and meet the requirements in effect at the time of
25 reapplication.

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

1 (225 ILCS 441/5-14)

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

3 Sec. 5-14. Social Security Number or Individual Taxpayer
4 Identification Number on license application. In addition to
5 any other information required to be contained in the
6 application, every application for an original, renewal,
7 reinstated, or restored license under this Act shall include
8 the applicant's Social Security Number or Individual Taxpayer
9 Identification Number.

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

11 (225 ILCS 441/5-16)

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

13 Sec. 5-16. Renewal of license.

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

19 (1) completing and submitting to the Department a
20 renewal application in a manner prescribed by the
21 Department;

22 (2) paying the required fees; and

23 (3) providing evidence of successful completion of the
24 continuing education requirements through courses approved

1 by the Department given by education providers licensed by
2 the Department, as established by rule.

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

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

1 ~~applicant was so engaged.~~

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

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

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

19 (g) A home inspector who notifies the Department, in a
20 manner prescribed by the Department, may place the license on
21 inactive status for a period not to exceed 2 years and shall be
22 excused from the payment of renewal fees until the person
23 notifies the Department in writing of the intention to resume
24 active practice.

25 (h) A home inspector requesting that the license be
26 changed from inactive to active status shall be required to

1 pay the current renewal fee and shall also demonstrate
2 compliance with the continuing education requirements.

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

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

7 (225 ILCS 441/5-17)

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

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

10 (a) The expiration date and renewal period for a home
11 inspector license for an entity that is not a natural person
12 shall be set by rule. The holder of a license may renew the
13 license within 90 days preceding the expiration date by
14 completing and submitting to the Department a renewal
15 application in a manner prescribed by the Department and
16 paying the required fees.

17 (b) An entity that is not a natural person whose license
18 under this Act has expired may renew the license for a period
19 of 2 years following the expiration date by complying with the
20 requirements of subsection (a) of this Section and paying any
21 late penalties established by rule.

22 (c) The Department shall not issue or renew a license if
23 the applicant or licensee has an unpaid fine or fee from a
24 disciplinary matter or from a non-disciplinary action imposed
25 by the Department until the fine or fee is paid to the

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

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

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

10 (225 ILCS 441/15-10)

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

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

13 (a) The Department may refuse to issue or renew, or may
14 revoke, suspend, place on probation, reprimand, or take other
15 disciplinary or non-disciplinary action as the Department may
16 deem appropriate, including imposing fines not to exceed
17 \$25,000 for each violation upon any licensee or applicant
18 under this Act or any person or entity who holds oneself out as
19 an applicant or licensee, ~~with regard to any license~~ for any
20 one or combination of the following:

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

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

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

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

11 (5) Committing an act or omission involving
12 dishonesty, fraud, or misrepresentation with the intent to
13 substantially benefit the licensee or another person or
14 with the intent to substantially injure another person.

15 (6) Violating a provision or standard for the
16 development or communication of home inspections as
17 provided in Section 10-5 of this Act or as defined in the
18 rules.

19 (7) Failing or refusing to exercise reasonable
20 diligence in the development, reporting, or communication
21 of a home inspection report, as defined by this Act or the
22 rules.

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

24 (9) Having been disciplined by another state, the
25 District of Columbia, a territory, a foreign nation, a
26 governmental agency, or any other entity authorized to

1 impose discipline if at least one of the grounds for that
2 discipline is the same as or substantially equivalent to
3 one of the grounds for which a licensee may be disciplined
4 under this Act.

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

8 (11) Accepting an inspection assignment when the
9 employment itself is contingent upon the home inspector
10 reporting a predetermined analysis or opinion, or when the
11 fee to be paid is contingent upon the analysis, opinion,
12 or conclusion reached or upon the consequences resulting
13 from the home inspection assignment.

14 (12) Developing home inspection opinions or
15 conclusions based on the race, color, religion, sex,
16 national origin, ancestry, age, marital status, family
17 status, physical or mental disability, military status,
18 unfavorable discharge from military status, sexual
19 orientation, order of protection status, ~~or~~ pregnancy, or
20 any other protected class as defined under the Illinois
21 Human Rights Act, of the prospective or present owners or
22 occupants of the area or property under home inspection.

23 (13) Being adjudicated liable in a civil proceeding on
24 grounds of fraud, misrepresentation, or deceit. In a
25 disciplinary proceeding based upon a finding of civil
26 liability, the home inspector shall be afforded an

1 opportunity to present mitigating and extenuating
2 circumstances, but may not collaterally attack the civil
3 adjudication.

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

6 (15) Engaging in misleading or untruthful advertising
7 or using a trade name or insignia of membership in a home
8 inspection organization of which the licensee is not a
9 member.

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

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

21 (18) Advising a client as to whether the client should
22 or should not engage in a transaction regarding the
23 residential real property that is the subject of the home
24 inspection.

25 (19) Performing a home inspection in a manner that
26 damages or alters the residential real property that is

1 the subject of the home inspection without the consent of
2 the owner.

3 (20) Performing a home inspection when the home
4 inspector is providing or may also provide other services
5 in connection with the residential real property or
6 transaction, or has an interest in the residential real
7 property, without providing prior written notice of the
8 potential or actual conflict and obtaining the prior
9 consent of the client as provided by rule.

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

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

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

19 (24) Willfully making or filing false records or
20 reports related to the practice of home inspection,
21 including, but not limited to, false records filed with
22 State agencies or departments.

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

26 (26) Practicing under a false or, except as provided

1 by law, an assumed name.

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

4 (28) Engaging in any of the following prohibited
5 fraudulent, false, deceptive, or misleading advertising
6 practices:

7 (i) advertising as a home inspector or operating a
8 home inspection business entity unless there is a duly
9 licensed home inspector responsible for all inspection
10 activities and all inspections;

11 (ii) advertising that contains a misrepresentation
12 of facts or false statements regarding the licensee's
13 professional achievements, degrees, training, skills,
14 or qualifications in the home inspection profession or
15 any other profession requiring licensure;

16 (iii) advertising that makes only a partial
17 disclosure of relevant facts related to pricing or
18 home inspection services; and

19 (iv) advertising that claims this State or any of
20 its political subdivisions endorse the home inspection
21 report or its contents.

22 (29) Disclosing, except as otherwise required by law,
23 inspection results or client information obtained without
24 the client's written consent. A home inspector shall not
25 deliver a home inspection report to any person other than
26 the client of the home inspector without the client's

1 written consent.

2 (30) Providing fees, gifts, waivers of liability, or
3 other forms of compensation or gratuities to persons
4 licensed under any real estate professional licensing act
5 in this State as consideration or inducement for the
6 referral of business.

7 (31) Violating the terms of any order issued by the
8 Department.

9 (b) The Department may suspend, revoke, or refuse to issue
10 or renew an education provider's license, may reprimand, place
11 on probation, or otherwise discipline an education provider
12 licensee, and may suspend or revoke the course approval of any
13 course offered by an education provider, for any of the
14 following:

15 (1) Procuring or attempting to procure licensure by
16 knowingly making a false statement, submitting false
17 information, making any form of fraud or
18 misrepresentation, or refusing to provide complete
19 information in response to a question in an application
20 for licensure.

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

23 (3) Committing an act or omission involving
24 dishonesty, fraud, or misrepresentation or allowing any
25 such act or omission by any employee or contractor under
26 the control of the education provider.

1 (4) Engaging in misleading or untruthful advertising.

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

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

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

10 (8) Failing to provide an appropriate classroom
11 environment for presentation of courses, with
12 consideration for student comfort, acoustics, lighting,
13 seating, workspace, and visual aid material.

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

16 (10) Failing to provide a certificate, transcript, or
17 other student record to the Department or to a student as
18 may be required by rule.

19 (11) Failing to fully cooperate with a Department
20 investigation by knowingly making a false statement,
21 submitting false or misleading information, or refusing to
22 provide complete information in response to written
23 interrogatories or a written request for documentation
24 within 30 days of the request.

25 (c) (Blank).

26 (d) The Department may refuse to issue or may suspend

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

10 (e) (Blank).

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

22 (g) The determination by a circuit court that a licensee
23 is subject to involuntary admission or judicial admission, as
24 provided in the Mental Health and Developmental Disabilities
25 Code, operates as an automatic suspension. The suspension will
26 end only upon a finding by a court that the patient is no

1 longer subject to involuntary admission or judicial admission
2 and the issuance of a court order so finding and discharging
3 the patient.

4 (h) (Blank).

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

6 (225 ILCS 441/15-11)

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

8 Sec. 15-11. Illegal discrimination. When there has been an
9 adjudication in a civil or criminal proceeding that a licensee
10 has illegally discriminated while engaged in any activity for
11 which a license is required under this Act, the Department,
12 upon the determination by ~~recommendation of~~ the Secretary
13 ~~Board~~ as to the extent of the suspension or revocation, shall
14 suspend or revoke the license of that licensee in a timely
15 manner, unless the adjudication is in the appeal process. When
16 there has been an order in an administrative proceeding
17 finding that a licensee has illegally discriminated while
18 engaged in any activity for which a license is required under
19 this Act, the Department, upon the determination by
20 ~~recommendation of~~ the Secretary Board as to the nature and
21 extent of the discipline, shall take one or more of the
22 disciplinary actions provided for in Section 15-10 of this Act
23 in a timely manner, unless the administrative order is in the
24 appeal process.

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

1 (225 ILCS 441/15-15)

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

3 Sec. 15-15. Investigation; notice; hearing. The Department
4 may investigate the actions of any person who is an applicant,
5 ~~or licensee,~~ ~~or of any~~ person or persons rendering or offering
6 to render home inspection services, or any person holding or
7 claiming to hold a license as a home inspector. The Department
8 shall, before refusing to issue or renew a license or to
9 discipline a person licensee pursuant to Section 15-10, at
10 least 30 days prior to the date set for the hearing, (i) notify
11 the person charged ~~accused~~ in writing and the person's
12 managing licensed home inspector, if any, of the charges made
13 and the time and place for the hearing on the charges, (ii)
14 direct the person licensee or applicant to file a written
15 answer with the Department under oath within 20 days after the
16 service of the notice, and (iii) inform the person applicant
17 ~~or licensee~~ that failure to file an answer will result in a
18 default ~~judgment being~~ entered against the person applicant or
19 ~~licensee~~. At the time and place fixed in the notice, the
20 Department shall proceed to hear the charges and the parties
21 of their counsel shall be accorded ample opportunity to
22 present any pertinent statements, testimony, evidence, and
23 arguments. The Department may continue the hearing from time
24 to time. In case the person, after receiving the notice, fails
25 to file an answer, the license, may, in the discretion of the

1 Department, be revoked, suspended, placed on probationary
2 status, or the Department may take whatever disciplinary
3 actions considered proper, including limiting the scope,
4 nature, or extent of the person's practice or the imposition
5 of a fine, without a hearing, if the act or acts charged
6 constitute sufficient grounds for that action under the Act.
7 The notice may be served by ~~personal delivery, by~~ mail, or, at
8 the discretion of the Department, by electronic means to the
9 address of record or email address of record specified by the
10 person accused as last updated with the Department.

11 A copy of the hearing officer's report or any Order of
12 Default, along with a copy of the original complaint giving
13 rise to the action, shall be served upon the ~~applicant,~~
14 ~~licensee, or unlicensed~~ person by the Department ~~to the~~
15 ~~applicant, licensee, or unlicensed individual~~ in the manner
16 provided in this Act for the service of a notice of hearing.
17 Within 20 days after service, the person ~~applicant or licensee~~
18 may present to the Department a motion in writing for a
19 rehearing, which shall specify the particular grounds for
20 rehearing. If the person orders from the reporting service and
21 pays for a transcript of the record within the time for filing
22 a motion for rehearing, then the 20-day period during which a
23 motion may be filed shall commence upon the delivery of the
24 transcript to the applicant or licensee. The Department may
25 respond to the motion, or if a motion for rehearing is denied,
26 then upon denial, the Secretary may enter an order in

1 accordance with the recommendations of the hearing officer. A
2 copy of the Department's final disciplinary order shall be
3 delivered to the person and the person's managing home
4 inspector, if any. ~~If the applicant or licensee orders from~~
5 ~~the reporting service and pays for a transcript of the record~~
6 ~~within the time for filing a motion for rehearing, then the~~
7 ~~20 day period during which a motion may be filed shall~~
8 ~~commence upon the delivery of the transcript to the applicant~~
9 ~~or licensee.~~

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

11 (225 ILCS 441/25-27)

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

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

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

21 (b) Any circuit court, upon the application of the
22 licensee or the Department, may order the attendance and
23 testimony of witnesses and the production of relevant
24 documents, files, records, books, and papers in connection
25 with any hearing or investigation. The circuit court may

1 compel obedience to its order by proceedings for contempt.

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

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

10 Section 20. The Real Estate License Act of 2000 is amended
11 by changing Sections 1-10, 5-6, 5-10, 5-20, 5-29, 5-50, 5-60,
12 5-75, 10-25, 10-30, 20-20, 20-20.1, 20-22, 20-23, 20-25,
13 20-60, 20-69, 20-72, 25-10, and 25-25 and by adding Section
14 20-21.1 as follows:

15 (225 ILCS 454/1-10)

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

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

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

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

23 "Agency" means a relationship in which a broker or
24 licensee, whether directly or through an affiliated licensee,

1 represents a consumer by the consumer's consent, whether
2 express or implied, in a real property transaction.

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

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

15 "Board" means the Real Estate Administration and
16 Disciplinary Board of the Department as created by Section
17 25-10 of this Act.

18 "Broker" means an individual, entity, corporation, foreign
19 or domestic partnership, limited liability company, registered
20 limited liability partnership, or other business entity other
21 than a residential leasing agent who, whether in person or
22 through any media or technology, for another and for
23 compensation, or with the intention or expectation of
24 receiving compensation, either directly or indirectly:

25 (1) Sells, exchanges, purchases, rents, or leases real
26 estate.

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

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

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

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

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

22 (7) Advertises or represents oneself as being engaged
23 in the business of buying, selling, exchanging, renting,
24 or leasing real estate.

25 (8) Assists or directs in procuring or referring of
26 leads or prospects, intended to result in the sale,

1 exchange, lease, or rental of real estate.

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

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

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

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

13 "Brokerage agreement" means a written or oral agreement
14 between a sponsoring broker and a consumer for licensed
15 activities, or the performance of future licensed activities,
16 to be provided to a consumer in return for compensation or the
17 right to receive compensation from another. Brokerage
18 agreements may constitute either a bilateral or a unilateral
19 agreement between the broker and the broker's client depending
20 upon the content of the brokerage agreement. All exclusive
21 brokerage agreements shall be in writing.

22 "Broker price opinion" means an estimate or analysis of
23 the probable selling price of a particular interest in real
24 estate, which may provide a varying level of detail about the
25 property's condition, market, and neighborhood and information
26 on comparable sales. The activities of a real estate broker or

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

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

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

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

6 (1) commissions;

7 (2) referral fees;

8 (3) bonuses;

9 (4) prizes;

10 (5) merchandise;

11 (6) finder fees;

12 (7) performance of services;

13 (8) coupons or gift certificates;

14 (9) discounts;

15 (10) rebates;

16 (11) a chance to win a raffle, drawing, lottery, or
17 similar game of chance not prohibited by any other law or
18 statute;

19 (12) retainer fee; or

20 (13) salary.

21 "Confidential information" means information obtained by a
22 licensee from a client during the term of a brokerage
23 agreement that (i) was made confidential by the written
24 request or written instruction of the client, (ii) deals with
25 the negotiating position of the client, or (iii) is
26 information the disclosure of which could materially harm the

1 negotiating position of the client, unless at any time:

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

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

5 (3) the information becomes public from a source other
6 than the licensee.

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

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

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

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

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

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

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

25 "Designated agent" means a sponsored licensee named by a
26 sponsoring broker as the legal agent of a client, as provided

1 for in Section 15-50 of this Act.

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

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

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

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

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

26 "Escrow moneys" means all moneys, promissory notes, or any

1 other type or manner of legal tender or financial
2 consideration deposited with any person for the benefit of the
3 parties to the transaction. A transaction exists once an
4 agreement has been reached and an accepted real estate
5 contract signed or lease agreed to by the parties. "Escrow
6 moneys" includes, without limitation, earnest moneys and
7 security deposits, except those security deposits in which the
8 person holding the security deposit is also the sole owner of
9 the property being leased and for which the security deposit
10 is being held.

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

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

21 "Inactive" means a status of licensure where the licensee
22 holds a current license under this Act, but the licensee is
23 prohibited from engaging in licensed activities because the
24 licensee is unsponsored or the license of the sponsoring
25 broker with whom the licensee is associated or by whom the
26 licensee is employed is currently expired, revoked, suspended,

1 or otherwise rendered invalid under this Act. The license of
2 any business entity that is not in good standing with the
3 Illinois Secretary of State, or is not authorized to conduct
4 business in Illinois, shall immediately become inactive and
5 that entity shall be prohibited from engaging in any licensed
6 activities.

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

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

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

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

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

20 "Managing broker" means a licensee who may be authorized
21 to assume responsibilities as a designated managing broker for
22 licensees in one or, in the case of a multi-office company,
23 more than one office, upon appointment by the sponsoring
24 broker and registration with the Department. A managing broker
25 may act as one's own sponsor.

26 "Medium of advertising" means any method of communication

1 intended to influence the general public to use or purchase a
2 particular good or service or real estate, including, but not
3 limited to, print, electronic, social media, and digital
4 forums.

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

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

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

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

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

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

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

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

14 "Sponsoring broker" means the broker who certifies to the
15 Department the broker's ~~his, her, or its~~ sponsorship of a
16 licensed managing broker, broker, or a residential leasing
17 agent.

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

24 "Team" means any 2 or more licensees who work together to
25 provide real estate brokerage services, represent themselves
26 to the public as being part of a team or group, are identified

1 by a team name that is different than their sponsoring
2 broker's name, and together are supervised by the same
3 managing broker and sponsored by the same sponsoring broker.
4 "Team" does not mean a separately organized, incorporated, or
5 legal entity.

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

7 (225 ILCS 454/5-6)

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

9 Sec. 5-6. Social Security Number or Individual Taxpayer
10 ~~Tax~~ Identification Number on license application. In addition
11 to any other information required to be contained in the
12 application, every application for an original license under
13 this Act shall include the applicant's Social Security Number
14 or Tax Identification Number, which shall be retained in the
15 agency's records pertaining to the license. An applicant may
16 provide an Individual Taxpayer Identification Number as an
17 alternative to providing a Social Security Number when
18 applying for a license. As soon as practical, the Department
19 shall assign a separate and distinct identification number to
20 each applicant for a license.

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

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

24 (225 ILCS 454/5-10)

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

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

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

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

7 (2) be of good moral character;

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

14 (4) personally take and pass a written examination
15 authorized by the Department sufficient to demonstrate the
16 applicant's knowledge of the provisions of this Act
17 relating to residential leasing agents and the applicant's
18 competence to engage in the activities of a licensed
19 residential leasing agent;

20 (5) provide satisfactory evidence of having completed
21 15 hours of instruction in an approved course of study
22 relating to the leasing of residential real property. The
23 Board may recommend to the Department the number of hours
24 each topic of study shall require. The course of study
25 shall, among other topics, cover the provisions of this
26 Act applicable to residential leasing agents; fair housing

1 and human rights issues relating to residential leasing;
2 advertising and marketing issues; leases, applications,
3 and credit and criminal background reports; owner-tenant
4 relationships and owner-tenant laws; the handling of
5 funds; and environmental issues relating to residential
6 real property;

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

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

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

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

25 (d) The continuing education requirement for residential
26 leasing agents shall consist of a single core curriculum to be

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

12 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22;
13 102-1100, eff. 1-1-23; revised 12-14-22.)

14 (225 ILCS 454/5-20)

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

16 Sec. 5-20. Exemptions from managing broker, broker, or
17 residential leasing agent license requirement; Department
18 exemption from education provider and related licenses. The
19 requirement for holding a license under this Article 5 shall
20 not apply to:

21 (1) Any person, as defined in Section 1-10, that as
22 owner or lessor performs any of the acts described in the
23 definition of "broker" under Section 1-10 of this Act with
24 reference to property owned or leased by it, or to the
25 regular employees thereof with respect to the property so

1 owned or leased, where such acts are performed in the
2 regular course of or as an incident to the management,
3 sale, or other disposition of such property and the
4 investment therein, if such regular employees do not
5 perform any of the acts described in the definition of
6 "broker" under Section 1-10 of this Act in connection with
7 a vocation of selling or leasing any real estate or the
8 improvements thereon not so owned or leased.

9 (2) An attorney in fact acting under a duly executed
10 and recorded power of attorney to convey real estate from
11 the owner or lessor or the services rendered by an
12 attorney at law in the performance of the attorney's duty
13 as an attorney at law.

14 (3) Any person acting as receiver, trustee in
15 bankruptcy, administrator, executor, or guardian or while
16 acting under a court order or under the authority of a will
17 or testamentary trust.

18 (4) Any person acting as a resident manager for the
19 owner or any employee acting as the resident manager for a
20 broker managing an apartment building, duplex, or
21 apartment complex, when the resident manager resides on
22 the premises, the premises is the ~~his or her~~ primary
23 residence of the resident manager, and the resident
24 manager is engaged in the leasing of that ~~the~~ property ~~of~~
25 ~~which he or she is the resident manager.~~

26 (5) Any officer or employee of a federal agency in the

1 conduct of official duties.

2 (6) Any officer or employee of the State government or
3 any political subdivision thereof performing official
4 duties.

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

13 (8) Railroads and other public utilities regulated by
14 the State of Illinois, or the officers or full-time
15 employees thereof, unless the performance of any licensed
16 activities is in connection with the sale, purchase,
17 lease, or other disposition of real estate or investment
18 therein that does not require the approval of the
19 appropriate State regulatory authority.

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

24 (10) Any resident lessee of a residential dwelling
25 unit who refers for compensation to the owner of the
26 dwelling unit, or to the owner's agent, prospective

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

13 (11) The purchase, sale, or transfer of a timeshare or
14 similar vacation item or interest, vacation club
15 membership, or other activity formerly regulated under the
16 Real Estate Timeshare Act of 1999 (repealed).

17 (12) (Blank).

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

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

25 (B) that person verifies to the Department that
26 the person ~~he or she~~ has sold real estate at auction

1 for a period of 5 years prior to licensure as an
2 auctioneer;

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

5 (D) the license issued under the Auction License
6 Act has not been disciplined for violation of those
7 provisions of Article 20 of the Auction License Act
8 dealing with or related to the sale or lease of real
9 estate at auction.

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

14 (15) A hotel operator who is registered with the
15 Illinois Department of Revenue and pays taxes under the
16 Hotel Operators' Occupation Tax Act and rents a room or
17 rooms in a hotel as defined in the Hotel Operators'
18 Occupation Tax Act for a period of not more than 30
19 consecutive days and not more than 60 days in a calendar
20 year or a person who participates in an online marketplace
21 enabling persons to rent out all or part of the person's
22 owned residence.

23 (16) Notwithstanding any provisions to the contrary,
24 the Department and its employees shall be exempt from
25 education, course provider, instructor, and course license
26 requirements and fees while acting in an official capacity

1 on behalf of the Department. Courses offered by the
2 Department shall be eligible for continuing education
3 credit.

4 (Source: P.A. 100-534, eff. 9-22-17; 100-831, eff. 1-1-19;
5 101-357, eff. 8-9-19.)

6 (225 ILCS 454/5-29)

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

8 Sec. 5-29. Temporary practice as a designated managing
9 broker. Upon the loss of a designated managing broker who is
10 not replaced by the sponsoring broker or in the event of the
11 death or ~~adjudicated~~ disability of a self-sponsored managing
12 broker ~~the sole proprietor of an office~~, a written request for
13 authorization allowing the continued operation of the office
14 may be submitted to the Department within 15 days of the loss.
15 The Department may issue a written authorization allowing the
16 continued operation, provided that a licensed managing broker
17 or, in the case of the death or ~~adjudicated~~ disability of a
18 self-sponsored managing broker ~~sole proprietor~~, the
19 representative of the estate, assumes responsibility, in
20 writing, for the operation of the office and agrees to
21 personally supervise the operation of the office. No such
22 written authorization shall be valid for more than 60 days
23 unless extended by the Department for good cause shown and
24 upon written request by the broker or representative.

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

1 (225 ILCS 454/5-50)

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

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

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

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

19 The Board may recommend, and the Department shall approve,
20 45 hours of post-license education, consisting of three
21 15-hour post-license courses, one each that covers applied
22 brokerage principles, risk management/discipline, and
23 transactional issues. Each of the courses shall require its
24 own 50-question final examination, which shall be administered
25 by the education provider that delivers the course.

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

12 (c) Any managing broker, broker, or residential leasing
13 agent whose license under this Act has expired shall be
14 eligible to renew the license during the 2-year period
15 following the expiration date, provided the managing broker,
16 broker, or residential leasing agent pays the fees as
17 prescribed by rule and completes continuing education and
18 other requirements provided for by the Act or by rule. A
19 managing broker, broker, or residential leasing agent whose
20 license has been expired for more than 2 years but less than 5
21 years may have it restored by (i) applying to the Department,
22 (ii) paying the required fee, (iii) completing the continuing
23 education requirements for the most recent term of licensure
24 that ended prior to the date of the application for
25 reinstatement, and (iv) filing acceptable proof of fitness to
26 have the license restored, as set by rule. A managing broker,

1 broker, or residential leasing agent whose license has been
2 expired for more than 5 years shall be required to meet the
3 requirements for a new license.

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

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

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

1 sponsoring broker's email address of record.

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

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

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

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

1 (225 ILCS 454/5-60)

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

3 Sec. 5-60. Managing broker licensed in another state;
4 broker licensed in another state; reciprocal agreements; agent
5 for service of process.

6 (a) A managing broker's license may be issued by the
7 Department to a managing broker or its equivalent licensed
8 under the laws of another state of the United States, under the
9 following conditions:

10 (1) the managing broker holds a managing broker's
11 license in a state that has entered into a reciprocal
12 agreement with the Department;

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

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

20 (4) the managing broker furnishes the Department with
21 a statement under seal of the proper licensing authority
22 of the state in which the managing broker is licensed
23 showing that the managing broker has an active managing
24 broker's license, that the managing broker is in good
25 standing, and any disciplinary action taken ~~that no~~
26 ~~complaints are pending~~ against the managing broker in that

1 state;

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

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

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

10 (1) the broker holds a broker's license in a state
11 that has entered into a reciprocal agreement with the
12 Department;

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

16 (3) (blank);

17 (4) the broker furnishes the Department with a
18 statement under seal of the proper licensing authority of
19 the state in which the broker is licensed showing that the
20 broker has an active broker's license, that the broker is
21 in good standing, and any disciplinary action taken ~~that~~
22 ~~no complaints are pending~~ against the broker in that
23 state;

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

26 (6) the broker was licensed by an examination in a

1 state that has entered into a reciprocal agreement with
2 the Department.

3 (c) (Blank).

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

15 (e) Prior to the issuance of any license to any managing
16 broker or broker pursuant to this Section, verification of
17 active licensure issued for the conduct of such business in
18 any other state must be filed with the Department by the
19 managing broker or broker, and the same fees must be paid as
20 provided in this Act for the obtaining of a managing broker's
21 or broker's license in this State.

22 (f) Licenses previously granted under reciprocal
23 agreements with other states shall remain in force so long as
24 the Department has a reciprocal agreement with the state that
25 includes the requirements of this Section, unless that license
26 is suspended, revoked, or terminated by the Department for any

1 reason provided for suspension, revocation, or termination of
2 a resident licensee's license. Licenses granted under
3 reciprocal agreements may be renewed in the same manner as a
4 resident's license.

5 (g) Prior to the issuance of a license to a nonresident
6 managing broker or broker, the managing broker or broker shall
7 file with the Department, in a manner prescribed by the
8 Department, a designation in writing that appoints the
9 Secretary to act as ~~his or her~~ agent upon whom all judicial and
10 other process or legal notices directed to the managing broker
11 or broker may be served. Service upon the agent so designated
12 shall be equivalent to personal service upon the licensee.
13 Copies of the appointment, certified by the Secretary, shall
14 be deemed sufficient evidence thereof and shall be admitted in
15 evidence with the same force and effect as the original
16 thereof might be admitted. In the written designation, the
17 managing broker or broker shall agree that any lawful process
18 against the licensee that is served upon the agent shall be of
19 the same legal force and validity as if served upon the
20 licensee and that the authority shall continue in force so
21 long as any liability remains outstanding in this State. Upon
22 the receipt of any process or notice, the Secretary shall
23 forthwith deliver a copy of the same by regular mail or email
24 to the last known business address or email address of the
25 licensee.

26 (h) Any person holding a valid license under this Section

1 shall be eligible to obtain a managing broker's license or a
2 broker's license without examination should that person change
3 their state of domicile to Illinois and that person otherwise
4 meets the qualifications for licensure under this Act.

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

6 (225 ILCS 454/5-75)

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

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

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

18 (225 ILCS 454/10-25)

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

20 Sec. 10-25. Expiration of brokerage agreement. No licensee
21 shall obtain any written brokerage agreement that does not
22 either provide for automatic expiration within a definite
23 period of time, and if longer than one year, ~~or~~ provide the
24 client with a right to terminate the agreement annually by

1 giving no more than 30 days' prior written notice. Any written
2 brokerage agreement not containing such a provision shall be
3 void. When the license of any sponsoring broker is suspended
4 or revoked, any brokerage agreement with the sponsoring broker
5 shall be deemed to expire upon the effective date of the
6 suspension or revocation.

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

8 (225 ILCS 454/10-30)

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

10 Sec. 10-30. Advertising.

11 (a) No advertising, whether in print, via the Internet, or
12 through social media, digital forums, or any other media,
13 shall be fraudulent, deceptive, inherently misleading, or
14 proven to be misleading in practice. Advertising shall be
15 considered misleading or untruthful if, when taken as a whole,
16 there is a distinct and reasonable possibility that it will be
17 misunderstood or will deceive the ordinary consumer.
18 Advertising shall contain all information necessary to
19 communicate the information contained therein to the public in
20 an accurate, direct, and readily comprehensible manner. Team
21 names may not contain inherently misleading terms, such as
22 "company", "realty", "real estate", "agency", "associates",
23 "brokers", "properties", or "property".

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

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

6 (1) On broker yard signs or in broker advertisements,
7 no disclosure of ownership is necessary. However, the
8 ownership shall be indicated on any property data form
9 accessible to the consumer and disclosed to persons
10 responding to any advertisement or any sign. The term
11 "broker owned" or "agent owned" is sufficient disclosure.

12 (2) A sponsored or inactive licensee selling or
13 leasing property, owned solely by the sponsored or
14 inactive licensee, without utilizing brokerage services of
15 their sponsoring broker or any other licensee, may
16 advertise "By Owner". For purposes of this Section,
17 property is "solely owned" by a sponsored or inactive
18 licensee if the licensee ~~he or she~~ (i) has a 100% ownership
19 interest alone, (ii) has ownership as a joint tenant or
20 tenant by the entirety, or (iii) holds a 100% beneficial
21 interest in a land trust. Sponsored or inactive licensees
22 selling or leasing "By Owner" shall comply with the
23 following if advertising by owner:

24 (A) On "By Owner" yard signs, the sponsored or
25 inactive licensee shall indicate "broker owned" or
26 "agent owned." "By Owner" advertisements used in any

1 medium of advertising shall include the term "broker
2 owned" or "agent owned."

3 (B) If a sponsored or inactive licensee runs
4 advertisements, for the purpose of purchasing or
5 leasing real estate, the licensee ~~he or she~~ shall
6 disclose in the advertisements the licensee's ~~his or~~
7 ~~her~~ status as a licensee.

8 (C) A sponsored or inactive licensee shall not use
9 the sponsoring broker's name or the sponsoring
10 broker's company name in connection with the sale,
11 lease, or advertisement of the property nor utilize
12 the sponsoring broker's or company's name in
13 connection with the sale, lease, or advertising of the
14 property in a manner likely to create confusion among
15 the public as to whether or not the services of a real
16 estate company are being utilized or whether or not a
17 real estate company has an ownership interest in the
18 property.

19 (d) A sponsored licensee may not advertise under the
20 licensee's ~~his or her~~ own name. Advertising in any media shall
21 be under the direct supervision of the sponsoring or
22 designated managing broker and in the sponsoring broker's
23 business name, which in the case of a franchise shall include
24 the franchise affiliation as well as the name of the
25 individual firm. This provision does not apply under the
26 following circumstances:

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

6 (2) When a licensee is selling or leasing ~~his or her~~
7 ~~own~~ real estate owned by the licensee or buying or leasing
8 real estate for their own use ~~himself or herself~~, after
9 providing the appropriate written disclosure of ~~his or her~~
10 ownership interest as required in paragraph (2) of
11 subsection (c) of this Section.

12 (e) No licensee shall list the licensee's ~~his or her~~ name
13 or otherwise advertise in the licensee's ~~his or her~~ own name to
14 the general public through any medium of advertising as being
15 in the real estate business without listing the ~~his or her~~
16 sponsoring broker's business name.

17 (f) The sponsoring broker's business name and the name of
18 the licensee must appear in all advertisements, including
19 business cards. In advertising that includes the sponsoring
20 broker's name and a team name or individual broker's name, the
21 sponsoring broker's business name shall be at least equal in
22 size or larger than the team name or that of the individual.

23 (g) Those individuals licensed as a managing broker and
24 designated with the Department as a designated managing broker
25 by their sponsoring broker shall identify themselves to the
26 public in advertising, except on "For Sale" or similar signs,

1 as a designated managing broker. No other individuals holding
2 a managing broker's license may hold themselves out to the
3 public or other licensees as a designated managing broker, but
4 they may hold themselves out to be a managing broker.

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

6 (225 ILCS 454/20-20)

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

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

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

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

22 (2) The licensee's conviction of or plea of guilty or
23 plea of nolo contendere, as set forth in subsection (e) of
24 Section 5-25, to: (A) a felony or misdemeanor in this
25 State or any other jurisdiction; (B) the entry of an

1 administrative sanction by a government agency in this
2 State or any other jurisdiction; or (C) any crime that
3 subjects the licensee to compliance with the requirements
4 of the Sex Offender Registration Act.

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

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

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

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

25 (7) Cheating on or attempting to subvert the Real
26 Estate License Exam or a continuing education course or

1 examination.

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

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

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

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

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

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

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

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

23 (16) Failure to account for or to remit any moneys or
24 documents coming into the licensee's possession that
25 belong to others.

26 (17) Failure to maintain and deposit in a special

1 account, separate and apart from personal and other
2 business accounts, all escrow moneys belonging to others
3 entrusted to a licensee while acting as a broker, escrow
4 agent, or temporary custodian of the funds of others or
5 failure to maintain all escrow moneys on deposit in the
6 account until the transactions are consummated or
7 terminated, except to the extent that the moneys, or any
8 part thereof, shall be:

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

18 (B) deemed abandoned and transferred to the Office
19 of the State Treasurer to be handled as unclaimed
20 property pursuant to the Revised Uniform Unclaimed
21 Property Act. Escrow moneys may be deemed abandoned
22 under this subparagraph (B) only: (i) in the absence
23 of disbursement under subparagraph (A); (ii) in the
24 absence of notice of the filing of any claim in a court
25 of competent jurisdiction; and (iii) if 6 months have
26 elapsed after the receipt of a written demand for the

1 escrow moneys from one of the principals to the
2 transaction or the principal's duly authorized agent.

3 The account shall be noninterest bearing, unless the
4 character of the deposit is such that payment of interest
5 thereon is otherwise required by law or unless the
6 principals to the transaction specifically require, in
7 writing, that the deposit be placed in an interest-bearing
8 account.

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

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

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

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

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

26 (23) Employing any person on a purely temporary or

1 single deal basis as a means of evading the law regarding
2 payment of commission to nonlicensees on some contemplated
3 transactions.

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

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

11 (26) Displaying a "for rent" or "for sale" sign on any
12 property without the written consent of an owner or the
13 owner's duly authorized agent or advertising by any means
14 that any property is for sale or for rent without the
15 written consent of the owner or the owner's authorized
16 agent.

17 (27) Failing to provide information requested by the
18 Department, or otherwise respond to that request, within
19 30 days of the request.

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

23 (29) A licensee under this Act or an unlicensed
24 individual offering guaranteed sales plans, as defined in
25 Section 10-50, except to the extent set forth in Section
26 10-50.

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

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

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

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

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

1 as a managing broker or broker.

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

15 (36) (Blank).

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

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

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

25 (40) Disregarding or violating any provision of this
26 Act or the published rules adopted by the Department to

1 enforce this Act or aiding or abetting any individual,
2 foreign or domestic partnership, registered limited
3 liability partnership, limited liability company,
4 corporation, or other business entity in disregarding any
5 provision of this Act or the published rules adopted by
6 the Department to enforce this Act.

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

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

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

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

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

26 (46) A designated managing broker's failure to provide

1 an appropriate written company policy or failure to
2 perform any of the duties set forth in Section 10-55.

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

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

16 (c) (Blank).

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

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

3 (e) (Blank).

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

6 (225 ILCS 454/20-20.1)

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

8 Sec. 20-20.1. Citations.

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

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

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

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

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

1 rules for additional, repeated, or continuing violations.

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

3 (225 ILCS 454/20-21.1 new)

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

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

19 (b) If, in the opinion of the Department, a person
20 violates a provision of this Act, the Department may issue a
21 ruling to show cause why an order to cease and desist should
22 not be entered against that person. The rule shall clearly set
23 forth the grounds relied upon by the Department and shall
24 allow at least 7 days from the date of the rule to file an
25 answer to the satisfaction of the Department. Failure to

1 answer to the satisfaction of the Department shall cause an
2 order to cease and desist to be issued immediately.

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

13 (225 ILCS 454/20-22)

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

15 Sec. 20-22. Violations. Any person who is found working or
16 acting as a managing broker, broker, or residential leasing
17 agent or holding oneself ~~himself or herself~~ out as a licensed
18 sponsoring broker, managing broker, broker, or residential
19 leasing agent without being issued a valid active license is
20 guilty of a Class A misdemeanor and, on conviction of a second
21 or subsequent offense, the violator shall be guilty of a Class
22 4 felony.

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

24 (225 ILCS 454/20-23)

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

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

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

22 (225 ILCS 454/20-25)

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

24 Sec. 20-25. Returned checks and dishonored credit card
25 charges; fees. Any person who (1) delivers a check or other

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

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

24 (225 ILCS 454/20-60)

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

1 Sec. 20-60. Investigations notice and hearing. The
2 Department may investigate the actions of any applicant or of
3 any person who is an applicant or person or persons rendering
4 or offering to render services for which a license is required
5 by this Act or any person holding or claiming to hold a license
6 under this Act and may notify the ~~his or her~~ designated
7 managing broker and sponsoring broker of the pending
8 investigation. The Department shall, before revoking,
9 suspending, placing on probation, reprimanding, or taking any
10 other disciplinary action under Article 20 of this Act, at
11 least 30 days before the date set for the hearing, (i) notify
12 the person charged ~~accused~~ and the ~~his or her~~ designated
13 managing broker and sponsoring broker in writing of the
14 charges made and the time and place for the hearing on the
15 charges and whether the licensee's license has been
16 temporarily suspended pursuant to Section 20-65, (ii) direct
17 the person ~~accused~~ to file a written answer to the charges with
18 the Board under oath within 20 days after ~~the service on him or~~
19 ~~her~~ of the notice, and (iii) inform the person ~~accused~~ that
20 failure if he or she fails to answer will result in a ~~7~~ default
21 ~~will be taken against him or her~~ or that the person's ~~his or~~
22 ~~her~~ license may be suspended, revoked, placed on probationary
23 status, or other disciplinary action taken with regard to the
24 license, including limiting the scope, nature, or extent of
25 the ability to ~~his or her~~ practice, as the Department may
26 consider proper. At the time and place fixed in the notice, the

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

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

23 (225 ILCS 454/20-69)

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

25 Sec. 20-69. Restoration of a ~~suspended or revoked~~ license.

1 At any time after the successful completion of a term of
2 suspension, ~~or~~ revocation, or probation of a ~~an individual's~~
3 license, the Department may restore it to the licensee, upon
4 the written recommendation of the Board, unless after an
5 investigation and a hearing the Board determines that
6 restoration is not in the public interest.

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

8 (225 ILCS 454/20-72)

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

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

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

18 (225 ILCS 454/25-10)

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

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

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

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

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

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

15 The members' terms shall be for 4 years and until a
16 successor is appointed. No member shall be reappointed to the
17 Board for a term that would cause the member's cumulative
18 service to the Board to exceed 12 ~~10~~ years. Appointments to
19 fill vacancies shall be for the unexpired portion of the term.
20 Those members of the Board that satisfy the requirements of
21 paragraph (2) shall be chosen in a manner such that no area of
22 the State shall be unreasonably represented. In making the
23 appointments, the Governor shall give due consideration to the
24 recommendations by members and organizations of the
25 profession. The Governor may terminate the appointment of any
26 member for cause that in the opinion of the Governor

1 reasonably justifies the termination. Cause for termination
2 shall include without limitation misconduct, incapacity,
3 neglect of duty, or missing 4 board meetings during any one
4 fiscal year. Each member of the Board may receive a per diem
5 stipend in an amount to be determined by the Secretary. While
6 engaged in the performance of duties, each member shall be
7 reimbursed for necessary expenses. Such compensation and
8 expenses shall be paid out of the Real Estate License
9 Administration Fund. The Secretary shall consider the
10 recommendations of the Board on questions involving standards
11 of professional conduct, discipline, education, and policies
12 and procedures under this Act. With regard to this subject
13 matter, the Secretary may establish temporary or permanent
14 committees of the Board and may consider the recommendations
15 of the Board on matters that include, but are not limited to,
16 criteria for the licensing and renewal of education providers,
17 pre-license and continuing education instructors, pre-license
18 and continuing education curricula, standards of educational
19 criteria, and qualifications for licensure and renewal of
20 professions, courses, and instructors. The Department, after
21 notifying and considering the recommendations of the Board, if
22 any, may issue rules, consistent with the provisions of this
23 Act, for the administration and enforcement thereof and may
24 prescribe forms that shall be used in connection therewith.
25 Eight Board members shall constitute a quorum. A quorum is
26 required for all Board decisions. A vacancy in the membership

1 of the Board shall not impair the right of a quorum to exercise
2 all of the rights and perform all of the duties of the Board.

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

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

10 (225 ILCS 454/25-25)

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

12 Sec. 25-25. Real Estate Research and Education Fund. A
13 special fund to be known as the Real Estate Research and
14 Education Fund is created and shall be held in trust in the
15 State Treasury. Annually, on September 15th, the State
16 Treasurer shall cause a transfer of \$125,000 to the Real
17 Estate Research and Education Fund from the Real Estate
18 License Administration Fund. The Real Estate Research and
19 Education Fund shall be administered by the Department. Money
20 deposited in the Real Estate Research and Education Fund may
21 be used for research and for education at state institutions
22 of higher education or other organizations for research and
23 for education to further the advancement of education in the
24 real estate industry or can be used by the Department for
25 expenses related to the education of licensees. Of the

1 \$125,000 annually transferred into the Real Estate Research
2 and Education Fund, \$15,000 shall be used to fund a
3 scholarship program for persons of minority racial origin who
4 wish to pursue a course of study in the field of real estate.
5 For the purposes of this Section, "course of study" means a
6 course or courses that are part of a program of courses in the
7 field of real estate designed to further an individual's
8 knowledge or expertise in the field of real estate. These
9 courses shall include, without limitation, courses that a
10 broker licensed under this Act must complete to qualify for a
11 managing broker's license, courses required to obtain the
12 Graduate Realtors Institute designation, and any other courses
13 or programs offered by accredited colleges, universities, or
14 other institutions of higher education in Illinois. The
15 scholarship program shall be administered by the Department or
16 its designee. Moneys in the Real Estate Research and Education
17 Fund may be invested and reinvested in the same manner as funds
18 in the Real Estate Recovery Fund and all earnings, interest,
19 and dividends received from such investments shall be
20 deposited in the Real Estate Research and Education Fund and
21 may be used for the same purposes as moneys transferred to the
22 Real Estate Research and Education Fund. Moneys in the Real
23 Estate Research and Education Fund may be transferred to the
24 Professions Indirect Cost Fund as authorized under Section
25 2105-300 of the Department of Professional Regulation Law of
26 the Civil Administrative Code of Illinois.

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

2 (225 ILCS 454/25-21 rep.)

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

5 Section 30. The Real Estate Appraiser Licensing Act of
6 2002 is amended by changing Sections 1-10, 5-25, 10-5, 10-10,
7 15-10, 15-15, and 25-10 as follows:

8 (225 ILCS 458/1-10)

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

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

12 "Accredited college or university, junior college, or
13 community college" means a college or university, junior
14 college, or community college that is approved or accredited
15 by the Board of Higher Education, a regional or national
16 accreditation association, or by an accrediting agency that is
17 recognized by the U.S. Secretary of Education.

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

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

1 "Appraisal" means (noun) the act or process of developing
2 an opinion of value; an opinion of value (adjective) of or
3 pertaining to appraising and related functions, such as
4 appraisal practice or appraisal services.

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

7 "Appraisal firm" means an appraisal entity that is 100%
8 owned and controlled by a person or persons licensed in
9 Illinois as a certified general real estate appraiser or a
10 certified residential real estate appraiser. "Appraisal firm"
11 does not include an appraisal management company.

12 "Appraisal management company" means any corporation,
13 limited liability company, partnership, sole proprietorship,
14 subsidiary, unit, or other business entity that directly or
15 indirectly: (1) provides appraisal management services to
16 creditors or secondary mortgage market participants, including
17 affiliates; (2) provides appraisal management services in
18 connection with valuing the consumer's principal dwelling as
19 security for a consumer credit transaction (including consumer
20 credit transactions incorporated into securitizations); and
21 (3) any appraisal management company that, within a given
22 12-month period, oversees an appraiser panel of 16 or more
23 State-certified appraisers in Illinois or 25 or more
24 State-certified or State-licensed appraisers in 2 or more
25 jurisdictions. "Appraisal management company" includes a
26 hybrid entity.

1 "Appraisal practice" means valuation services performed by
2 an individual acting as an appraiser, including, but not
3 limited to, appraisal or appraisal review.

4 "Appraisal qualification board (AQB)" means the
5 independent board of the Appraisal Foundation, which, under
6 the provisions of Title XI of the Financial Institutions
7 Reform, Recovery, and Enforcement Act of 1989, establishes the
8 minimum education, experience, and examination requirements
9 for real property appraisers to obtain a state certification
10 or license.

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

14 "Appraisal review" means the act or process of developing
15 and communicating an opinion about the quality of another
16 appraiser's work that was performed as part of an appraisal,
17 appraisal review, or appraisal assignment.

18 "Appraisal Subcommittee" means the Appraisal Subcommittee
19 of the Federal Financial Institutions Examination Council as
20 established by Title XI.

21 "Appraiser" means a person who performs real estate or
22 real property appraisals competently and in a manner that is
23 independent, impartial, and objective.

24 "Appraiser panel" means a network, list, or roster of
25 licensed or certified appraisers approved by the appraisal
26 management company or by the end-user client to perform

1 appraisals as independent contractors for the appraisal
2 management company. "Appraiser panel" includes both appraisers
3 accepted by an appraisal management company for consideration
4 for future appraisal assignments and appraisers engaged by an
5 appraisal management company to perform one or more
6 appraisals. For the purposes of determining the size of an
7 appraiser panel, only independent contractors of hybrid
8 entities shall be counted towards the appraiser panel.

9 ~~"AOB" means the Appraisal Qualifications Board of the~~
10 ~~Appraisal Foundation.~~

11 "Associate real estate trainee appraiser" means an
12 entry-level appraiser who holds a license of this
13 classification under this Act with restrictions as to the
14 scope of practice in accordance with this Act.

15 "Automated valuation model" means an automated system that
16 is used to derive a property value through the use of available
17 property records and various analytic methodologies such as
18 comparable sales prices, home characteristics, and price
19 changes.

20 "Board" means the Real Estate Appraisal Administration and
21 Disciplinary Board.

22 "Broker price opinion" means an estimate or analysis of
23 the probable selling price of a particular interest in real
24 estate, which may provide a varying level of detail about the
25 property's condition, market, and neighborhood and information
26 on comparable sales. The activities of a real estate broker or

1 managing broker engaging in the ordinary course of business as
2 a broker, as defined in this Section, shall not be considered a
3 broker price opinion if no compensation is paid to the broker
4 or managing broker, other than compensation based upon the
5 sale or rental of real estate.

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

8 "Client" means the party or parties who engage an
9 appraiser by employment or contract in a specific appraisal
10 assignment.

11 "Comparative market analysis" is an analysis or opinion
12 regarding pricing, marketing, or financial aspects relating to
13 a specified interest or interests in real estate that may be
14 based upon an analysis of comparative market data, the
15 expertise of the real estate broker or managing broker, and
16 such other factors as the broker or managing broker may deem
17 appropriate in developing or preparing such analysis or
18 opinion. The activities of a real estate broker or managing
19 broker engaging in the ordinary course of business as a
20 broker, as defined in this Section, shall not be considered a
21 comparative market analysis if no compensation is paid to the
22 broker or managing broker, other than compensation based upon
23 the sale or rental of real estate.

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

26 "Department" means the Department of Financial and

1 Professional Regulation.

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

6 "Evaluation" means a valuation permitted by the appraisal
7 regulations of the Federal Financial Institutions Examination
8 Council and its federal agencies for transactions that qualify
9 for the appraisal threshold exemption, business loan
10 exemption, or subsequent transaction exemption.

11 "Federal financial institutions regulatory agencies" means
12 the Board of Governors of the Federal Reserve System, the
13 Federal Deposit Insurance Corporation, the Office of the
14 Comptroller of the Currency, the Consumer Financial Protection
15 Bureau, and the National Credit Union Administration.

16 "Federally related transaction" means any real
17 estate-related financial transaction in which a federal
18 financial institutions regulatory agency engages in, contracts
19 for, or regulates and requires the services of an appraiser.

20 "Financial institution" means any bank, savings bank,
21 savings and loan association, credit union, mortgage broker,
22 mortgage banker, licensee under the Consumer Installment Loan
23 Act or the Sales Finance Agency Act, or a corporate fiduciary,
24 subsidiary, affiliate, parent company, or holding company of
25 any such licensee, or any institution involved in real estate
26 financing that is regulated by state or federal law.

1 "Hybrid entity" means an appraisal management company that
2 hires an appraiser as an employee to perform an appraisal and
3 engages an independent contractor to perform an appraisal.

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

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

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

11 "Person" means an individual, entity, sole proprietorship,
12 corporation, limited liability company, partnership, and joint
13 venture, foreign or domestic, except that when the context
14 otherwise requires, the term may refer to more than one
15 individual or other described entity.

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

18 "Real estate related financial transaction" means any
19 transaction involving:

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

23 (2) the refinancing of real property or interests in
24 real property; and

25 (3) the use of real property or interest in property
26 as security for a loan or investment, including mortgage

1 backed securities.

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

4 "Secretary" means the Secretary of Financial and
5 Professional Regulation or the Secretary's designee.

6 "State certified general real estate appraiser" means an
7 appraiser who holds a license of this classification under
8 this Act and such classification applies to the appraisal of
9 all types of real property without restrictions as to the
10 scope of practice.

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

19 "Supervising appraiser" means either (i) an appraiser who
20 holds a valid license under this Act as either a State
21 certified general real estate appraiser or a State certified
22 residential real estate appraiser, who co-signs an appraisal
23 report for an associate real estate trainee appraiser or (ii)
24 a State certified general real estate appraiser who holds a
25 valid license under this Act who co-signs an appraisal report
26 for a State certified residential real estate appraiser on

1 properties other than one to 4 units of residential real
2 property without regard to transaction value or complexity.

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

5 "USPAP" means the Uniform Standards of Professional
6 Appraisal Practice as promulgated by the Appraisal Standards
7 Board pursuant to Title XI and by rule.

8 "Valuation services" means services pertaining to aspects
9 of property value.

10 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;
11 102-970, eff. 5-27-22.)

12 (225 ILCS 458/5-25)

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

14 Sec. 5-25. Renewal of license.

15 (a) The expiration date and renewal period for a State
16 certified general real estate appraiser license or a State
17 certified residential real estate appraiser license issued
18 under this Act shall be set by rule. Except as otherwise
19 provided in subsections (b) and (f) of this Section, the
20 holder of a license may renew the license within 90 days
21 preceding the expiration date by:

22 (1) completing and submitting to the Department, or
23 through a multi-state licensing system as designated by
24 the Secretary, a renewal application form as provided by
25 the Department;

1 (2) paying the required fees; and

2 (3) providing evidence to the Department, or through a
3 multi-state licensing system as designated by the
4 Secretary, of successful completion of the continuing
5 education requirements through courses approved by the
6 Department from education providers licensed by the
7 Department, as established by the AQB and by rule.

8 (b) A State certified general real estate appraiser or
9 State certified residential real estate appraiser whose
10 license under this Act has expired may renew the license for a
11 period of 2 years following the expiration date by complying
12 with the requirements of paragraphs (1), (2), and (3) of
13 subsection (a) of this Section and paying any late penalties
14 established by rule.

15 (c) (Blank).

16 (d) The expiration date and renewal period for an
17 associate real estate trainee appraiser license issued under
18 this Act shall be set by rule. Except as otherwise provided in
19 subsections (e) and (f) of this Section, the holder of an
20 associate real estate trainee appraiser license may renew the
21 license within 90 days preceding the expiration date by:

22 (1) completing and submitting to the Department, or
23 through a multi-state licensing system as designated by
24 the Secretary, a renewal application form as provided by
25 the Department;

26 (2) paying the required fees; and

1 (3) providing evidence to the Department, or through a
2 multi-state licensing system as designated by the
3 Secretary, of successful completion of the continuing
4 education requirements through courses approved by the
5 Department from education providers approved by the
6 Department, as established by rule.

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

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

17 (1) on active duty with the United States Armed
18 Services;

19 (2) serving as the Coordinator or an employee of the
20 Department who was required to surrender the license
21 during the term of employment.

22 Application for renewal must be made within 2 years
23 following the termination of the military service or related
24 education, training, or employment and shall include an
25 affidavit from the licensee of engagement.

26 (g) The Department shall provide reasonable care and due

1 diligence to ensure that each licensee under this Act is
2 provided with a renewal application at least 90 days prior to
3 the expiration date, but timely renewal or conversion of the
4 license prior to its expiration date is the responsibility of
5 the licensee.

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

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

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

20 (225 ILCS 458/10-5)

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

22 Sec. 10-5. Scope of practice.

23 (a) This Act does not limit a State certified general real
24 estate appraiser's scope of practice in a federally related
25 transaction. A State certified general real estate appraiser

1 may independently provide appraisal services, review, or
2 consult related to any type of property for which there is
3 related experience or competency by the appraiser. All such
4 appraisal practice must be made in accordance with the
5 provisions of USPAP, criteria established by the AQB, and
6 rules adopted pursuant to this Act.

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

11 (c) A State certified residential real estate appraiser
12 must have a State certified general real estate appraiser who
13 holds a valid license under this Act co-sign all appraisal
14 reports on properties other than one to 4 units of residential
15 real property without regard to transaction value or
16 complexity.

17 (d) An associate real estate trainee appraiser is limited
18 in scope of practice in all transactions or appraisal reports
19 in accordance with the provisions of USPAP, this Act, and the
20 rules adopted pursuant to this Act. ~~In addition, an~~ An
21 associate real estate trainee appraiser shall be required to
22 have a State certified general real estate appraiser or State
23 certified residential real estate appraiser who holds a valid
24 license under this Act to co-sign all appraisal reports. A
25 supervising appraiser may not supervise more than 3 associate
26 real estate trainee appraisers at one time. Associate real

1 estate trainee appraisers shall not be limited in the number
2 of concurrent supervising appraisers. A chronological
3 appraisal log on an approved log form shall be maintained by
4 the associate real estate trainee appraiser and shall be made
5 available to the Department upon request. Notwithstanding any
6 other provision of this subsection to the contrary, the
7 Appraisal Qualification Board may establish alternative
8 experience requirements as an associate real estate trainee
9 appraiser that is adopted by rule.

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

11 (225 ILCS 458/10-10)

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

13 Sec. 10-10. Standards of practice. All persons licensed
14 under this Act must comply with standards of professional
15 appraisal practice adopted by the Department. The Department
16 must adopt, as part of its rules, the Uniform Standards of
17 Professional Appraisal Practice (USPAP) as published from time
18 to time by the Appraisal Standards Board of the Appraisal
19 Foundation. The Department shall consider federal laws and
20 regulations, including, but not limited to, appraisal
21 qualification board policies and guidelines, regarding the
22 licensure of real estate appraisers prior to adopting its
23 rules for the administration of this Act. When an appraisal
24 obtained through an appraisal management company is used for
25 loan purposes, the borrower or loan applicant shall be

1 provided with a written disclosure of the total compensation
2 to the appraiser or appraisal firm within the body of the
3 appraisal report and it shall not be redacted or otherwise
4 obscured.

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

6 (225 ILCS 458/15-10)

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

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

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

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

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

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

7 (4) Conviction of, or plea of guilty or nolo
8 contendere, as enumerated in subsection (e) of Section
9 5-22, under the laws of any jurisdiction of the United
10 States: (i) that is a felony, misdemeanor, or
11 administrative sanction or (ii) that is a crime that
12 subjects the licensee to compliance with the requirements
13 of the Sex Offender Registration Act.

14 (5) Committing an act or omission involving
15 dishonesty, fraud, or misrepresentation with the intent to
16 substantially benefit the licensee or another person or
17 with intent to substantially injure another person as
18 defined by rule.

19 (6) Violating a provision or standard for the
20 development or communication of real estate appraisals as
21 provided in Section 10-10 of this Act or as defined by
22 rule.

23 (7) Failing or refusing without good cause to exercise
24 reasonable diligence in developing, reporting, or
25 communicating an appraisal, as defined by this Act or by
26 rule.

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

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

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

13 (11) Accepting an appraisal assignment when the
14 employment itself is contingent upon the appraiser
15 reporting a predetermined estimate, analysis, or opinion
16 or when the fee to be paid is contingent upon the opinion,
17 conclusion, or valuation reached or upon the consequences
18 resulting from the appraisal assignment.

19 (12) Developing valuation conclusions based on the
20 race, color, religion, sex, national origin, ancestry,
21 age, marital status, family status, physical or mental
22 disability, sexual orientation, pregnancy, order of
23 protection status, military status, ~~or~~ unfavorable
24 military discharge, source of income, or any other
25 protected class as defined under the Illinois Human Rights
26 Act, of the prospective or present owners or occupants of

1 the area or property under appraisal.

2 (13) Violating the confidential nature of government
3 records to which the licensee gained access through
4 employment or engagement as an appraiser by a government
5 agency.

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

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

14 (16) Engaging in misleading or untruthful advertising
15 or using a trade name or insignia of membership in a real
16 estate appraisal or real estate organization of which the
17 licensee is not a member.

18 (17) Failing to fully cooperate with a Department
19 investigation by knowingly making a false statement,
20 submitting false or misleading information, or refusing to
21 provide complete information in response to written
22 interrogatories or a written request for documentation
23 within 30 days of the request.

24 (18) Failing to include within the certificate of
25 appraisal for all written appraisal reports the
26 appraiser's license number and licensure title. All

1 appraisers providing significant contribution to the
2 development and reporting of an appraisal must be
3 disclosed in the appraisal report. It is a violation of
4 this Act for an appraiser to sign a report, transmittal
5 letter, or appraisal certification knowing that a person
6 providing a significant contribution to the report has not
7 been disclosed in the appraisal report.

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

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

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

17 (22) Gross negligence in developing an appraisal or in
18 communicating an appraisal or failing to observe one or
19 more of the Uniform Standards of Professional Appraisal
20 Practice.

21 (23) A pattern of practice or other behavior that
22 demonstrates incapacity or incompetence to practice under
23 this Act.

24 (24) Using or attempting to use the seal, certificate,
25 or license of another as one's own; falsely impersonating
26 any duly licensed appraiser; using or attempting to use an

1 inactive, expired, suspended, or revoked license; or
2 aiding or abetting any of the foregoing.

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

5 (26) Making a material misstatement in furnishing
6 information to the Department.

7 (27) Failure to furnish information to the Department
8 upon written request.

9 (b) The Department may reprimand suspend, revoke, or
10 refuse to issue or renew an education provider's license, may
11 reprimand, place on probation, or otherwise discipline an
12 education provider and may suspend or revoke the course
13 approval of any course offered by an education provider and
14 may impose an administrative fine not to exceed \$25,000 upon
15 an education provider, for any of the following:

16 (1) Procuring or attempting to procure licensure by
17 knowingly making a false statement, submitting false
18 information, engaging in any form of fraud or
19 misrepresentation, or refusing to provide complete
20 information in response to a question in an application
21 for licensure.

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

24 (3) Committing an act or omission involving
25 dishonesty, fraud, or misrepresentation or allowing any
26 such act or omission by any employee or contractor under

1 the control of the provider.

2 (4) Engaging in misleading or untruthful advertising.

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

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

8 (7) Failing to administer an approved course using the
9 course materials, syllabus, and examinations submitted as
10 the basis of the course approval.

11 (8) Failing to provide an appropriate classroom
12 environment for presentation of courses, with
13 consideration for student comfort, acoustics, lighting,
14 seating, workspace, and visual aid material.

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

17 (10) Failing to provide a certificate, transcript, or
18 other student record to the Department or to a student as
19 may be required by rule.

20 (11) Failing to fully cooperate with an investigation
21 by the Department by knowingly making a false statement,
22 submitting false or misleading information, or refusing to
23 provide complete information in response to written
24 interrogatories or a written request for documentation
25 within 30 days of the request.

26 (c) In appropriate cases, the Department may resolve a

1 complaint against a licensee through the issuance of a Consent
2 to Administrative Supervision order. A licensee subject to a
3 Consent to Administrative Supervision order shall be
4 considered by the Department as an active licensee in good
5 standing. This order shall not be reported or considered by
6 the Department to be a discipline of the licensee. The records
7 regarding an investigation and a Consent to Administrative
8 Supervision order shall be considered confidential and shall
9 not be released by the Department except as mandated by law. ~~A~~
10 ~~complainant shall be notified if the complaint has been~~
11 ~~resolved by a Consent to Administrative Supervision order.~~

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

13 (225 ILCS 458/15-15)

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

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

16 (a) Upon the motion of the Department or the Board or upon
17 a complaint in writing of a person setting forth facts that, if
18 proven, would constitute grounds for suspension, revocation,
19 or other disciplinary action, the Department shall investigate
20 the actions or qualifications of any person who is ~~against~~ a
21 licensee, ~~or~~ applicant for licensure, unlicensed person,
22 person rendering or offering to render appraisal services, or
23 holding or claiming to hold a license under this Act ~~the~~
24 ~~Department shall investigate the actions of the licensee or~~
25 ~~applicant.~~ If, upon investigation, the Department believes

1 that there may be cause for suspension, revocation, or other
2 disciplinary action, the Department shall use the services of
3 a State certified general real estate appraiser, a State
4 certified residential real estate appraiser, or the
5 Coordinator to assist in determining whether grounds for
6 disciplinary action exist prior to commencing formal
7 disciplinary proceedings.

8 (b) Formal disciplinary proceedings shall commence upon
9 the issuance of a written complaint describing the charges
10 that are the basis of the disciplinary action and delivery of
11 the detailed complaint to the address of record of the person
12 charged ~~licensee or applicant~~. For an associate real estate
13 trainee appraiser, a copy shall also be sent to the licensee's
14 supervising appraiser of record. The Department shall notify
15 the person ~~licensee or applicant~~ to file a verified written
16 answer within 20 days after the service of the notice and
17 complaint. The notification shall inform the person ~~licensee~~
18 ~~or applicant~~ of the right to be heard in person or by legal
19 counsel; that the hearing will be afforded not sooner than 20
20 days after service of the complaint; that failure to file an
21 answer will result in a default being entered against the
22 person ~~licensee or applicant~~; that the license may be
23 suspended, revoked, or placed on probationary status; and that
24 other disciplinary action may be taken pursuant to this Act,
25 including limiting the scope, nature, or extent of the
26 licensee's practice. If the person ~~licensee or applicant~~ fails

1 to file an answer after service of notice, the respective
2 license may, at the discretion of the Department, be
3 suspended, revoked, or placed on probationary status and the
4 Department may take whatever disciplinary action it deems
5 proper, including limiting the scope, nature, or extent of the
6 person's practice, without a hearing.

7 (c) At the time and place fixed in the notice, the Board
8 shall conduct hearing of the charges, providing both the
9 ~~accused~~ person charged and the complainant ample opportunity
10 to present in person or by counsel such statements, testimony,
11 evidence, and argument as may be pertinent to the charges or to
12 a defense thereto.

13 (d) The Board shall present to the Secretary a written
14 report of its findings of fact and recommendations. A copy of
15 the report shall be served upon the person licensee ~~or~~
16 ~~applicant~~, either ~~personally~~, by mail, or, at the discretion
17 of the Department, by electronic means. For associate real
18 estate trainee appraisers, a copy shall also be sent to the
19 licensee's supervising appraiser of record. Within 20 days
20 after the service, the person licensee ~~or applicant~~ may
21 present the Secretary with a motion in writing for a rehearing
22 and shall specify the particular grounds for the request. If
23 the person ~~accused~~ orders a transcript of the record as
24 provided in this Act, the time elapsing thereafter and before
25 the transcript is ready for delivery to the person ~~accused~~
26 shall not be counted as part of the 20 days. If the Secretary

1 is not satisfied that substantial justice has been done, the
2 Secretary may order a rehearing by the Board or other special
3 committee appointed by the Secretary, may remand the matter to
4 the Board for its reconsideration of the matter based on the
5 pleadings and evidence presented to the Board, or may enter a
6 final order in contravention of the Board's recommendation.
7 Notwithstanding a person's ~~licensee's or applicant's~~ failure
8 to file a motion for rehearing, the Secretary shall have the
9 right to take any of the actions specified in this subsection
10 (d). Upon the suspension or revocation of a license, the
11 licensee shall be required to surrender the respective license
12 to the Department, and upon failure or refusal to do so, the
13 Department shall have the right to seize the license.

14 (e) The Department has the power to issue subpoenas and
15 subpoenas duces tecum to bring before it any person in this
16 State, to take testimony, or to require production of any
17 records relevant to an inquiry or hearing by the Board in the
18 same manner as prescribed by law in judicial proceedings in
19 the courts of this State. In a case of refusal of a witness to
20 attend, testify, or to produce books or papers concerning a
21 matter upon which the witness might be lawfully examined, the
22 circuit court of the county where the hearing is held, upon
23 application of the Department or any party to the proceeding,
24 may compel obedience by proceedings as for contempt.

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

1 (g) In addition to the provisions of this Section
2 concerning the conduct of hearings and the recommendations for
3 discipline, the Department has the authority to negotiate
4 disciplinary and non-disciplinary settlement agreements
5 concerning any license issued under this Act. All such
6 agreements shall be recorded as Consent Orders or Consent to
7 Administrative Supervision Orders.

8 (h) The Secretary shall have the authority to appoint an
9 attorney duly licensed to practice law in the State of
10 Illinois to serve as the hearing officer in any action to
11 suspend, revoke, or otherwise discipline any license issued by
12 the Department. The Hearing Officer shall have full authority
13 to conduct the hearing.

14 (i) The Department, at its expense, shall preserve a
15 record of all formal hearings of any contested case involving
16 the discipline of a license. At all hearings or pre-hearing
17 conferences, the Department and the licensee shall be entitled
18 to have the proceedings transcribed by a certified shorthand
19 reporter. A copy of the transcribed proceedings shall be made
20 available to the licensee by the certified shorthand reporter
21 upon payment of the prevailing contract copy rate.

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

23 (225 ILCS 458/25-10)

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

25 Sec. 25-10. Real Estate Appraisal Administration and

1 Disciplinary Board; appointment.

2 (a) There is hereby created the Real Estate Appraisal
3 Administration and Disciplinary Board. The Board shall be
4 composed of the Coordinator and 10 persons appointed by the
5 Governor. Members shall be appointed to the Board subject to
6 the following conditions:

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

10 (2) The appointed membership of the Board should
11 reasonably reflect the geographic distribution of the
12 population of the State.

13 (3) Four appointed members shall have been actively
14 engaged and currently licensed as State certified general
15 real estate appraisers for a period of not less than 5
16 years.

17 (4) Three appointed members shall have been actively
18 engaged and currently licensed as State certified
19 residential real estate appraisers for a period of not
20 less than 5 years.

21 (5) One appointed member shall hold a valid license as
22 a real estate broker for at least 3 years prior to the date
23 of the appointment and shall hold either a valid State
24 certified general real estate appraiser license or a valid
25 State certified residential appraiser license issued under
26 this Act or a predecessor Act for a period of at least 5

1 years prior to the appointment.

2 (6) One appointed member shall be a representative of
3 a financial institution, as evidenced by proof of
4 employment with a financial institution.

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

11 In making appointments as provided in paragraphs (3) and
12 (4) of this subsection, the Governor shall give due
13 consideration to recommendations by members and organizations
14 representing the profession.

15 In making the appointments as provided in paragraph (5) of
16 this subsection, the Governor shall give due consideration to
17 the recommendations by members and organizations representing
18 the real estate industry.

19 In making the appointment as provided in paragraph (6) of
20 this subsection, the Governor shall give due consideration to
21 the recommendations by members and organizations representing
22 financial institutions.

23 (b) The members' terms shall be for 4 years or until a
24 successor is appointed. No member shall be reappointed to the
25 Board for a term that would cause the member's cumulative
26 service to the Board to exceed 12 ~~10~~ years. Appointments to

1 fill vacancies shall be for the unexpired portion of the term.

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

7 (d) A majority of the Board members shall constitute a
8 quorum. A vacancy in the membership of the Board shall not
9 impair the right of a quorum to exercise all of the rights and
10 perform all of the duties of the Board.

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

14 (f) The Board shall, annually at the first meeting of the
15 fiscal year, elect a Chairperson and Vice-Chairperson from its
16 members. The Chairperson shall preside over the meetings and
17 shall coordinate with the Coordinator in developing and
18 distributing an agenda for each meeting. In the absence of the
19 Chairperson, the Vice-Chairperson shall preside over the
20 meeting.

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

23 (h) The Board shall advise and make recommendations to the
24 Department on the education and experience qualifications of
25 any applicant for initial licensure as a State certified
26 general real estate appraiser or a State certified residential

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

11 (i) Except as provided in Section 15-17 of this Act, the
12 Board shall hear and make recommendations to the Secretary on
13 disciplinary matters that require a formal evidentiary
14 hearing. The Secretary shall give due consideration to the
15 recommendations of the Board involving discipline and
16 questions involving standards of professional conduct of
17 licensees.

18 (j) The Department shall seek and the Board shall provide
19 recommendations to the Department consistent with the
20 provisions of this Act and for the administration and
21 enforcement of all rules adopted pursuant to this Act. The
22 Department shall give due consideration to such
23 recommendations prior to adopting rules.

24 (k) The Department shall seek and the Board shall provide
25 recommendations to the Department on the approval of all
26 courses submitted to the Department pursuant to this Act and

1 the rules adopted pursuant to this Act. The Department shall
2 not approve any courses without having first received the
3 recommendation of the Board and shall give due consideration
4 to such recommendations prior to approving and licensing
5 courses; however, if the Board does not make a recommendation
6 within a reasonable amount of time, then the Department may
7 approve courses.

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

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

15 (n) If the Department disagrees with any advice or
16 recommendation provided by the Board under this Section to the
17 Secretary or the Department, then notice of such disagreement
18 must be provided to the Board by the Department.

19 (o) (Blank).

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

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

23 (225 ILCS 459/65)

24 Sec. 65. Disciplinary actions.

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

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

11 (2) Violations of this Act, or of the rules adopted
12 under this Act.

13 (3) Conviction of, or entry of a plea of guilty or nolo
14 contendere to any crime that is a felony under the laws of
15 the United States or any state or territory thereof or
16 that is a misdemeanor of which an essential element is
17 dishonesty, or any crime that is directly related to the
18 practice of the profession.

19 (4) Making any misrepresentation for the purpose of
20 obtaining registration or violating any provision of this
21 Act or the rules adopted under this Act pertaining to
22 advertising.

23 (5) Professional incompetence.

24 (6) Gross malpractice.

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

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

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

7 (10) Discipline by another state, District of
8 Columbia, territory, or foreign nation, if at least one of
9 the grounds for the discipline is the same or
10 substantially equivalent to those set forth in this
11 Section.

12 (11) A finding by the Department that the registrant,
13 after having the registrant's ~~his or her~~ registration
14 placed on probationary status, has violated the terms of
15 probation.

16 (12) Willfully making or filing false records or
17 reports in the registrant's ~~his or her~~ practice,
18 including, but not limited to, false records filed with
19 State agencies or departments.

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

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

24 (15) Fraud or misrepresentation in applying for, or
25 procuring, a registration under this Act or in connection
26 with applying for renewal of a registration under this

1 Act.

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

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

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

8 (19) Violating the terms of any order issued by the
9 Department.

10 (b) The Department may refuse to issue or may suspend
11 without hearing as provided for in the Civil Administrative
12 Code of Illinois the registration of any person who fails to
13 file a return, or to pay the tax, penalty, or interest shown in
14 a filed return, or to pay any final assessment of the tax,
15 penalty, or interest as required by any tax Act administered
16 by the Illinois Department of Revenue, until such time as the
17 requirements of any such tax Act are satisfied.

18 (c) An appraisal management company shall not be
19 registered or included on the national registry if the
20 company, in whole or in part, directly or indirectly, is owned
21 by a person who has had an appraiser license or certificate
22 refused, denied, canceled, surrendered in lieu of revocation,
23 or revoked under the Real Estate Appraiser Licensing Act of
24 2002 or the rules adopted under that Act, or similar
25 discipline by another state, the District of Columbia, a
26 territory, a foreign nation, a governmental agency, or an

1 entity authorized to impose discipline if at least one of the
2 grounds for that discipline is the same as or the equivalent of
3 one of the grounds for which a licensee may be disciplined as
4 set forth under this Section.

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

6 (225 ILCS 459/75)

7 Sec. 75. Investigations; notice and hearing. The
8 Department may investigate the actions of any person who is an
9 applicant or of any person or persons rendering or offering to
10 render any services requiring registration under this Act or
11 any person holding or claiming to hold a registration as an
12 appraisal management company. The Department shall, before
13 revoking, suspending, placing on probation, reprimanding, or
14 taking any other disciplinary or non-disciplinary action under
15 Section 65 of this Act, at least 30 days before the date set
16 for the hearing, (i) notify the person charged ~~accused~~ in
17 writing of the charges made and the time and place for the
18 hearing on the charges, (ii) direct the person ~~him or her~~ to
19 file a written answer to the charges with the Department under
20 oath within 20 days after ~~the service on him or her~~ of the
21 notice, and (iii) inform the person ~~accused~~ that, if the
22 person ~~he or she~~ fails to answer, default will be entered ~~taken~~
23 ~~against him or her~~ or that the person's ~~his or her~~ registration
24 may be suspended, revoked, placed on probationary status, or
25 other disciplinary action taken with regard to the

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

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

22 (225 ILCS 459/95)

23 Sec. 95. Findings and recommendations. At the conclusion
24 of the hearing, the designated hearing officer shall present
25 to the Secretary a written report of ~~his or her~~ findings of

1 fact, conclusions of law, and recommendations. The report
2 shall contain a finding whether or not the ~~accused~~ person
3 charged violated this Act or its rules or failed to comply with
4 the conditions required in this Act or its rules. The hearing
5 officer shall specify the nature of any violations or failure
6 to comply and shall make ~~his or her~~ recommendations to the
7 Secretary. In making recommendations for any disciplinary
8 actions, the hearing officer may take into consideration all
9 facts and circumstances bearing upon the reasonableness of the
10 conduct of the person charged ~~accused~~ and the potential for
11 future harm to the public, including, but not limited to,
12 previous discipline ~~of the accused~~ by the Department, intent,
13 degree of harm to the public and likelihood of harm in the
14 future, any restitution made ~~by the accused~~, and whether the
15 incident or incidents contained in the complaint appear to be
16 isolated or represent a continuing pattern of conduct. In
17 making ~~his or her~~ recommendations for discipline, the hearing
18 officer shall endeavor to ensure that the severity of the
19 discipline recommended is reasonably related to the severity
20 of the violation. The report of findings of fact, conclusions
21 of law, and recommendation of the hearing officer shall be the
22 basis for the Department's order refusing to issue, restore,
23 or renew a registration, or otherwise disciplining a person
24 ~~registrant~~. If the Secretary disagrees with the
25 recommendations of the hearing officer, the Secretary may
26 issue an order in contravention of the hearing officer

1 recommendations. The finding is not admissible in evidence
2 against the person in a criminal prosecution brought for a
3 violation of this Act, but the hearing and finding are not a
4 bar to a criminal prosecution brought for a violation of this
5 Act.

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