

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9 (Section scheduled to be repealed on January 1, 2030)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22 (Section scheduled to be repealed on January 1, 2030)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, at the direction of the

1 Department, the Comptroller shall direct and the Treasurer
2 shall transfer the remaining balance of funds collected under
3 this Act from the General Professions Dedicated Fund to the
4 Division of Real Estate General Fund.

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

6 (225 ILCS 407/20-15)

7 (Section scheduled to be repealed on January 1, 2030)

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

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

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

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

1 thereof, or entry of an administrative sanction by a
2 government agency in this State or any other jurisdiction.

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

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

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

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

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

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

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

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

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

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

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

26 (14) Failure to account for, remit, or return any

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

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

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

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

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

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

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

4 (21) (Blank).

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

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

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

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

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

1 Child Reporting Act.

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

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

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

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

12 (225 ILCS 407/20-43)

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

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

1 the charges within 20 days of receiving service of the notice,
2 ~~a default judgment~~ may be entered and the ~~against him or her,~~
3 ~~or his or her~~ license may be suspended, revoked, placed on
4 probationary status, or other disciplinary action taken with
5 regard to the license as the Department may consider proper,
6 including, but not limited to, limiting the scope, nature, or
7 extent of the licensee's practice, or imposing a fine.

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

15 Notice of the hearing may be served by ~~personal delivery,~~
16 ~~by~~ certified mail, or, at the discretion of the Department, by
17 an electronic means to the person's ~~licensee's~~ last known
18 address or email address of record or, if in the course of the
19 administrative proceeding the party has previously designated
20 a specific email address at which to accept electronic service
21 for that specific proceeding, by sending a copy by email to the
22 party's email address on record.

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

24 (225 ILCS 407/20-50)

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

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

22 The report of the Board's findings of fact, conclusions of
23 law, and recommendations shall be the basis for the
24 Department's decision to refuse to issue, restore, or renew a
25 license, or to take any other disciplinary action. If the
26 Secretary disagrees with the recommendations of the Board, the

1 Secretary may issue an order in contravention of the Board
2 recommendations. The report's findings are not admissible in
3 evidence against the person in a criminal prosecution brought
4 for a violation of this Act, but the hearing and findings are
5 not a bar to a criminal prosecution for the violation of this
6 Act.

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

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

14 (225 ILCS 407/20-65)

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

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

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

23 (225 ILCS 407/20-110 new)

24 Sec. 20-110. Cease and desist orders. The Department may

1 issue a cease and desist order to a person who engages in
2 activities prohibited by this Act. Any person in violation of
3 a cease and desist order issued by the Department is subject to
4 all of the penalties provided by law.

5 (225 ILCS 407/20-115 new)

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

13 (225 ILCS 407/25-110 new)

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

15 (a) Only an auction school licensed by the Department may
16 provide the continuing education courses required for
17 licensure under this Act.

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

24 (c) A person or entity seeking to be licensed as an auction

1 school under this Act shall provide satisfactory evidence of
2 the following:

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

5 (2) a sufficient number of qualified instructors;

6 (3) adequate support personnel to assist with
7 administrative matters and technical assistance;

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

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

13 (6) any other requirements provided by rule.

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

23 (e) An auction school shall provide each successful course
24 participant with a certificate of completion signed by the
25 school administrator. The format and content of the
26 certificate shall be specified by rule.

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

4 (225 ILCS 407/25-115 new)

5 Sec. 25-115. Course approval.

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

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

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

17 (225 ILCS 407/30-30)

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

19 Sec. 30-30. Auction Advisory Board.

20 (a) There is hereby created the Auction Advisory Board.
21 The Advisory Board shall consist of 7 members and shall be
22 appointed by the Secretary. In making the appointments, the
23 Secretary shall give due consideration to the recommendations
24 by members and organizations of the industry, including, but

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

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

25 (c) Four Board members shall constitute a quorum. A quorum
26 is required for all Board decisions. A vacancy in the

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

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

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

12 (f) The Advisory Board shall meet as convened by the
13 Department.

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

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

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

22 Section 10. The Community Association Manager Licensing
23 and Disciplinary Act is amended by changing Sections 25, 32,
24 60, 85, 95, and 130 as follows:

1 (225 ILCS 427/25)

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

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

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

17 (b) The term of each member shall be for 4 years and until
18 that member's successor is appointed. No member shall be
19 reappointed to the Board for a term that would cause the
20 member's cumulative service to the Board to exceed 12 ~~10~~
21 years. Appointments to fill vacancies shall be made by the
22 Secretary for the unexpired portion of the term. The Secretary
23 shall remove from the Board any member whose license has
24 become void or has been revoked or suspended and may remove any
25 member of the Board for neglect of duty, misconduct, ~~or~~
26 incompetence, or for missing 2 board meetings during any one

1 fiscal year. A member who is subject to formal disciplinary
2 proceedings shall be disqualified from all Board business
3 until the charge is resolved. A member also shall be
4 disqualified from any matter on which the member cannot act
5 objectively.

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

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

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

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

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

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

24 (225 ILCS 427/32)

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

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

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

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

14 (225 ILCS 427/60)

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

16 Sec. 60. Licenses; renewals; restoration; person in
17 military service.

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

24 (b) Any licensee who has an expired license may have the
25 license restored by applying to the Department and filing

1 proof acceptable to the Department of fitness to have the
2 expired license restored, which may include sworn evidence
3 certifying to active practice in another jurisdiction
4 satisfactory to the Department, complying with any continuing
5 education requirements, and paying the required restoration
6 fee.

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

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

1 active practice.

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

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

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

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

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

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

2 (225 ILCS 427/85)

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

4 Sec. 85. Grounds for discipline; refusal, revocation, or
5 suspension.

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

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

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

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

1 in this State or any other jurisdiction.

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

5 (5) Professional incompetence.

6 (6) Gross negligence.

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

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

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

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

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

1 jurisdiction shall be prima facie evidence thereof.

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

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

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

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

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

24 (17) Solicitation of professional services by using
25 false or misleading advertising.

26 (18) A finding that licensure has been applied for or

1 obtained by fraudulent means.

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

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

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

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

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

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

26 (25) Failing to make available to the Department, upon

1 request, any books, records, or forms required by this
2 Act.

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

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

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

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

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

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

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

25 (33) Failing to disclose to a community association,
26 at the time of making the referral, that a licensee (A) has

1 greater than a 1% ownership interest in a third party to
2 which it refers the community association; or (B) receives
3 or may receive dividends or other profit sharing
4 distributions from a third party, other than a publicly
5 held or traded company, to which it refers the community
6 association.

7 (b) (Blank).

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

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

1 satisfied.

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

15 (f) (Blank).

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

17 (225 ILCS 427/95)

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

19 Sec. 95. Investigation; notice and hearing. The
20 Department may investigate the actions or qualifications of a
21 person, which includes an entity, ~~or other business~~ applying
22 for, holding or claiming to hold, or holding oneself out as
23 having a license or rendering or offering to render services
24 for which a license is required by this Act ~~and may notify~~
25 ~~their designated community association manager, if any, of the~~

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

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

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

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

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

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

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

13 (225 ILCS 441/5-10)

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

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

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

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

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

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

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

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

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

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

21 (2) law enforcement records, court records, and
22 conviction records of an individual who was 17 years old
23 at the time of the offense and before January 1, 2014,
24 unless the nature of the offense required the individual
25 to be tried as an adult;

26 (3) records of arrest not followed by a charge or

1 conviction;

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

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

9 (6) convictions or arrests that have been sealed or
10 expunged.

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

25 (d) Applicants have 3 years after the date of the
26 application to complete the application process. If the

1 process has not been completed within 3 years, the application
2 shall be denied, the fee forfeited, and the applicant must
3 reapply and meet the requirements in effect at the time of
4 reapplication.

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

6 (225 ILCS 441/5-14)

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

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

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

16 (225 ILCS 441/5-16)

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

18 Sec. 5-16. Renewal of license.

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

24 (1) completing and submitting to the Department a

1 renewal application in a manner prescribed by the
2 Department;

3 (2) paying the required fees; and

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

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

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

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

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

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

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

24 (g) A home inspector who notifies the Department, in a
25 manner prescribed by the Department, may place the license on
26 inactive status for a period not to exceed 2 years and shall be

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

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

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

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

12 (225 ILCS 441/5-17)

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

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

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

22 (b) An entity that is not a natural person whose license
23 under this Act has expired may renew the license for a period
24 of 2 years following the expiration date by complying with the
25 requirements of subsection (a) of this Section and paying any

1 late penalties established by rule.

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

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

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

15 (225 ILCS 441/15-10)

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

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

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

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

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

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

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

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

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

24 (7) Failing or refusing to exercise reasonable
25 diligence in the development, reporting, or communication
26 of a home inspection report, as defined by this Act or the

1 rules.

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

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 substantially equivalent to
8 one of the grounds for which a licensee may be disciplined
9 under this 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 inspection assignment when the
14 employment itself is contingent upon the home inspector
15 reporting a predetermined analysis or opinion, or when the
16 fee to be paid is contingent upon the analysis, opinion,
17 or conclusion reached or upon the consequences resulting
18 from the home inspection assignment.

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

1 occupants of the area or property under home inspection.

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

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

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

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

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

26 (18) Advising a client as to whether the client should

1 or should not engage in a transaction regarding the
2 residential real property that is the subject of the home
3 inspection.

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

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

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

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

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

24 (24) Willfully making or filing false records or
25 reports related to the practice of home inspection,
26 including, but not limited to, false records filed with

1 State agencies or departments.

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

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

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

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

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

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

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

24 (iv) advertising that claims this State or any of
25 its political subdivisions endorse the home inspection
26 report or its contents.

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

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

12 (31) Violating the terms of any order issued by the
13 Department.

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

20 (1) Procuring or attempting to procure licensure by
21 knowingly making a false statement, submitting false
22 information, making 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.

26 (2) Failing to comply with the covenants certified to

1 on the application for licensure as an education provider.

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

6 (4) Engaging in misleading or untruthful advertising.

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

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

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

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

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

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

24 (11) Failing to fully cooperate with a Department
25 investigation by knowingly making a false statement,
26 submitting false or misleading information, or refusing to

1 provide complete information in response to written
2 interrogatories or a written request for documentation
3 within 30 days of the request.

4 (c) (Blank).

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

15 (e) (Blank).

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

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

9 (h) (Blank).

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

11 (225 ILCS 441/15-11)

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

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

1 extent of the discipline, shall take one or more of the
2 disciplinary actions provided for in Section 15-10 of this Act
3 in a timely manner, unless the administrative order is in the
4 appeal process.

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

6 (225 ILCS 441/15-15)

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

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

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

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

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

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

16 (225 ILCS 441/25-27)

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

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

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

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

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

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

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

20 (225 ILCS 454/1-10)

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

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

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

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

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

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

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

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

23 "Broker" means an individual, entity, corporation, foreign
24 or domestic partnership, limited liability company, registered
25 limited liability partnership, or other business entity other
26 than a residential leasing agent who, whether in person or

1 through any media or technology, for another and for
2 compensation, or with the intention or expectation of
3 receiving compensation, either directly or indirectly:

4 (1) Sells, exchanges, purchases, rents, or leases real
5 estate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 broker or managing broker, other than compensation based upon
2 the sale or rental of real estate. A comparative market
3 analysis shall not be considered an appraisal within the
4 meaning of the Real Estate Appraiser Licensing Act of 2002,
5 any amendment to that Act, or any successor Act.

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

11 (1) commissions;

12 (2) referral fees;

13 (3) bonuses;

14 (4) prizes;

15 (5) merchandise;

16 (6) finder fees;

17 (7) performance of services;

18 (8) coupons or gift certificates;

19 (9) discounts;

20 (10) rebates;

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

24 (12) retainer fee; or

25 (13) salary.

26 "Confidential information" means information obtained by a

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

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

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

10 (3) the information becomes public from a source other
11 than the licensee.

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

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

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

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

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

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

26 "Designated agency" means a contractual relationship

1 between a sponsoring broker and a client under Section 15-50
2 of this Act in which one or more licensees associated with or
3 employed by the broker are designated as agent of the client.

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

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

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

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

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

24 "Employee" or other derivative of the word "employee",
25 when used to refer to, describe, or delineate the relationship
26 between a sponsoring broker and a managing broker, broker, or

1 a residential leasing agent, shall be construed to include an
2 independent contractor relationship, provided that a written
3 agreement exists that clearly establishes and states the
4 relationship.

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

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

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

26 "Inactive" means a status of licensure where the licensee

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

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

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

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

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

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

25 "Managing broker" means a licensee who may be authorized
26 to assume responsibilities as a designated managing broker for

1 licensees in one or, in the case of a multi-office company,
2 more than one office, upon appointment by the sponsoring
3 broker and registration with the Department. A managing broker
4 may act as one's own sponsor.

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

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

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

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

24 "Real estate" means and includes leaseholds as well as any
25 other interest or estate in land, whether corporeal,
26 incorporeal, freehold, or non-freehold and whether the real

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

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

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

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

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

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

23 "Sponsorship" means that a sponsoring broker has certified
24 to the Department that a managing broker, broker, or
25 residential leasing agent is employed by or associated by
26 written agreement with the sponsoring broker and the

1 Department has registered the sponsorship, as provided for in
2 Section 5-40 of this Act.

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

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

12 (225 ILCS 454/5-6)

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

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

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

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

4 (225 ILCS 454/5-10)

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

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

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

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

11 (2) be of good moral character;

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

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

24 (5) provide satisfactory evidence of having completed
25 15 hours of instruction in an approved course of study

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

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

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

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

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

1 establish continuing education requirements for residential
2 licensed leasing agents, by rule, consistent with the language
3 and intent of this Act, with the advice of the Board.

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

17 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22;
18 102-1100, eff. 1-1-23; revised 12-14-22.)

19 (225 ILCS 454/5-20)

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

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

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

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

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

23 (4) Any person acting as a resident manager for the
24 owner or any employee acting as the resident manager for a
25 broker managing an apartment building, duplex, or
26 apartment complex, when the resident manager resides on

1 the premises, the premises is the ~~his or her~~ primary
2 residence of the resident manager, and the resident
3 manager is engaged in the leasing of that ~~the~~ property ~~of~~
4 ~~which he or she is the resident manager.~~

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

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

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

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

25 (9) Any medium of advertising in the routine course of
26 selling or publishing advertising along with which no

1 other licensed activities, as defined in Section 1-10 of
2 this Act, are provided.

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

18 (11) The purchase, sale, or transfer of a timeshare or
19 similar vacation item or interest, vacation club
20 membership, or other activity formerly regulated under the
21 Real Estate Timeshare Act of 1999 (repealed).

22 (12) (Blank).

23 (13) Any person who is licensed without examination
24 under Section 10-25 (now repealed) of the Auction License
25 Act is exempt from holding a managing broker's or broker's
26 license under this Act for the limited purpose of selling

1 or leasing real estate at auction, so long as:

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

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

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

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

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

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

1 owned residence.

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

9 (Source: P.A. 100-534, eff. 9-22-17; 100-831, eff. 1-1-19;
10 101-357, eff. 8-9-19.)

11 (225 ILCS 454/5-29)

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

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

1 personally supervise the operation of the office. No such
2 written authorization shall be valid for more than 60 days
3 unless extended by the Department for good cause shown and
4 upon written request by the broker or representative.

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

6 (225 ILCS 454/5-50)

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

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

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

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

24 The Board may recommend, and the Department shall approve,
25 45 hours of post-license education, consisting of three

1 15-hour post-license courses, one each that covers applied
2 brokerage principles, risk management/discipline, and
3 transactional issues. Each of the courses shall require its
4 own 50-question final examination, which shall be administered
5 by the education provider that delivers the course.

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

17 (c) Any managing broker, broker, or residential leasing
18 agent whose license under this Act has expired shall be
19 eligible to renew the license during the 2-year period
20 following the expiration date, provided the managing broker,
21 broker, or residential leasing agent pays the fees as
22 prescribed by rule and completes continuing education and
23 other requirements provided for by the Act or by rule. A
24 managing broker, broker, or residential leasing agent whose
25 license has been expired for more than 2 years but less than 5
26 years may have it restored by (i) applying to the Department,

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

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

26 (e) Each licensee shall carry on one's person the license

1 or an electronic version thereof.

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

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

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

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

1 fine or civil penalty is paid to the Department or the
2 applicant or licensee has entered into a payment plan and is
3 current on the required payments.

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

5 (225 ILCS 454/5-60)

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

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

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

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

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

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

24 (4) the managing broker furnishes the Department with
25 a statement under seal of the proper licensing authority

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

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

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

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

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

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

21 (3) (blank);

22 (4) the broker furnishes the Department with a
23 statement under seal of the proper licensing authority of
24 the state in which the broker is licensed showing that the
25 broker has an active broker's license, that the broker is
26 in good standing, and any disciplinary action taken ~~that~~

1 ~~no complaints are pending~~ against the broker in that
2 state;

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

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

8 (c) (Blank).

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

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

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

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

1 the receipt of any process or notice, the Secretary shall
2 forthwith deliver a copy of the same by regular mail or email
3 to the last known business address or email address of the
4 licensee.

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

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

11 (225 ILCS 454/5-75)

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

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

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

23 (225 ILCS 454/10-25)

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

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

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

13 (225 ILCS 454/10-30)

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

15 Sec. 10-30. Advertising.

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

1 names may not contain inherently misleading terms, such as
2 "company", "realty", "real estate", "agency", "associates",
3 "brokers", "properties", or "property".

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

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

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

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

1 selling or leasing "By Owner" shall comply with the
2 following if advertising by owner:

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

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

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

24 (d) A sponsored licensee may not advertise under the
25 licensee's ~~his or her~~ own name. Advertising in any media shall
26 be under the direct supervision of the sponsoring or

1 designated managing broker and in the sponsoring broker's
2 business name, which in the case of a franchise shall include
3 the franchise affiliation as well as the name of the
4 individual firm. This provision does not apply under the
5 following circumstances:

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

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

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

22 (f) The sponsoring broker's business name and the name of
23 the licensee must appear in all advertisements, including
24 business cards. In advertising that includes the sponsoring
25 broker's name and a team name or individual broker's name, the
26 sponsoring broker's business name shall be at least equal in

1 size or larger than the team name or that of the individual.

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

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

11 (225 ILCS 454/20-20)

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

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

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

24 (1) Fraud or misrepresentation in applying for, or
25 procuring, a license under this Act or in connection with

1 applying for renewal of a license under this Act.

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

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

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

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

26 (6) Engaging in the practice of real estate brokerage

1 without a license or after the licensee's license or
2 temporary permit was expired or while the license was
3 inactive, revoked, or suspended.

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

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

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

12 (10) Making any substantial misrepresentation or
13 untruthful advertising.

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

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

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

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

25 (15) Representing or attempting to represent, or
26 performing licensed activities for, a broker other than

1 the sponsoring broker.

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

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

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

23 (B) deemed abandoned and transferred to the Office
24 of the State Treasurer to be handled as unclaimed
25 property pursuant to the Revised Uniform Unclaimed
26 Property Act. Escrow moneys may be deemed abandoned

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

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

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

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

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

25 (21) Engaging in dishonorable, unethical, or
26 unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public, including, but not limited
2 to, conduct set forth in rules adopted by the Department.

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

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

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

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

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

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

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

1 Act.

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

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

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

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

24 (33) Negotiating a sale, exchange, or lease of real
25 estate directly with any person if the licensee knows that
26 the person has an exclusive brokerage agreement with

1 another broker, unless specifically authorized by that
2 broker.

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

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

20 (36) (Blank).

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

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

25 (39) Requiring a party to a transaction who is not a
26 client of the licensee to allow the licensee to retain a

1 portion of the escrow moneys for payment of the licensee's
2 commission or expenses as a condition for release of the
3 escrow moneys to that party.

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

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

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

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

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

1 broker's license.

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

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

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

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

21 (c) (Blank).

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

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

8 (e) (Blank).

9 (Source: P.A. 101-81, eff. 7-12-19; 101-357, eff. 8-9-19;
10 102-970, eff. 5-27-22.)

11 (225 ILCS 454/20-20.1)

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

13 Sec. 20-20.1. Citations.

14 (a) The Department may adopt rules to permit the issuance
15 of citations to any licensee for failure to comply with the
16 continuing education and post-license education requirements
17 set forth in this Act or as adopted by rule. The citation shall
18 be issued to the licensee, and a copy shall be sent to the
19 licensee's designated managing broker and sponsoring broker.
20 The citation shall contain the licensee's name and address,
21 the licensee's license number, the number of required hours of
22 continuing education or post-license education that have not
23 been successfully completed by the licensee's renewal
24 deadline, and the penalty imposed, which shall not exceed
25 \$2,000. The issuance of any such citation shall not excuse the

1 licensee from completing all continuing education or
2 post-license education required for that term of licensure.

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

25 (c) Payment of a fine that has been assessed pursuant to
26 this Section shall not constitute disciplinary action

1 reportable on the Department's website or elsewhere unless a
2 licensee has previously received 2 or more citations and has
3 been assessed 2 or more fines.

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

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

8 (225 ILCS 454/20-21.1 new)

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

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

24 (b) If, in the opinion of the Department, a person
25 violates a provision of this Act, the Department may issue a

1 ruling to show cause why an order to cease and desist should
2 not be entered against that person. The rule shall clearly set
3 forth the grounds relied upon by the Department and shall
4 allow at least 7 days from the date of the rule to file an
5 answer to the satisfaction of the Department. Failure to
6 answer to the satisfaction of the Department shall cause an
7 order to cease and desist to be issued immediately.

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

18 (225 ILCS 454/20-22)

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

20 Sec. 20-22. Violations. Any person who is found working or
21 acting as a managing broker, broker, or residential leasing
22 agent or holding oneself ~~himself or herself~~ out as a licensed
23 sponsoring broker, managing broker, broker, or residential
24 leasing agent without being issued a valid active license is
25 guilty of a Class A misdemeanor and, on conviction of a second

1 or subsequent offense, the violator shall be guilty of a Class
2 4 felony.

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

4 (225 ILCS 454/20-23)

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

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

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

1 (225 ILCS 454/20-25)

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

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

1 be unreasonable or unnecessarily burdensome.

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

3 (225 ILCS 454/20-60)

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

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

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

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

2 (225 ILCS 454/20-69)

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

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

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

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

12 (225 ILCS 454/20-72)

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

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

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

22 (225 ILCS 454/25-10)

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

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

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

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

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

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

20 The members' terms shall be for 4 years and until a
21 successor is appointed. No member shall be reappointed to the
22 Board for a term that would cause the member's cumulative
23 service to the Board to exceed 12 ~~10~~ years. Appointments to
24 fill vacancies shall be for the unexpired portion of the term.
25 Those members of the Board that satisfy the requirements of
26 paragraph (2) shall be chosen in a manner such that no area of

1 the State shall be unreasonably represented. In making the
2 appointments, the Governor shall give due consideration to the
3 recommendations by members and organizations of the
4 profession. The Governor may terminate the appointment of any
5 member for cause that in the opinion of the Governor
6 reasonably justifies the termination. Cause for termination
7 shall include without limitation misconduct, incapacity,
8 neglect of duty, or missing 4 board meetings during any one
9 fiscal year. Each member of the Board may receive a per diem
10 stipend in an amount to be determined by the Secretary. While
11 engaged in the performance of duties, each member shall be
12 reimbursed for necessary expenses. Such compensation and
13 expenses shall be paid out of the Real Estate License
14 Administration Fund. The Secretary shall consider the
15 recommendations of the Board on questions involving standards
16 of professional conduct, discipline, education, and policies
17 and procedures under this Act. With regard to this subject
18 matter, the Secretary may establish temporary or permanent
19 committees of the Board and may consider the recommendations
20 of the Board on matters that include, but are not limited to,
21 criteria for the licensing and renewal of education providers,
22 pre-license and continuing education instructors, pre-license
23 and continuing education curricula, standards of educational
24 criteria, and qualifications for licensure and renewal of
25 professions, courses, and instructors. The Department, after
26 notifying and considering the recommendations of the Board, if

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

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

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

15 (225 ILCS 454/25-25)

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

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

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

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

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

7 (225 ILCS 454/25-21 rep.)

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

10 Section 30. The Real Estate Appraiser Licensing Act of
11 2002 is amended by changing Sections 1-10, 5-25, 10-5, 10-10,
12 15-10, 15-15, and 25-10 as follows:

13 (225 ILCS 458/1-10)

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

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

17 "Accredited college or university, junior college, or
18 community college" means a college or university, junior
19 college, or community college that is approved or accredited
20 by the Board of Higher Education, a regional or national
21 accreditation association, or by an accrediting agency that is
22 recognized by the U.S. Secretary of Education.

23 "Address of record" means the designated street address,

1 which may not be a post office box, recorded by the Department
2 in the applicant's or licensee's application file or license
3 file as maintained by the Department.

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

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

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

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

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

1 12-month period, oversees an appraiser panel of 16 or more
2 State-certified appraisers in Illinois or 25 or more
3 State-certified or State-licensed appraisers in 2 or more
4 jurisdictions. "Appraisal management company" includes a
5 hybrid entity.

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

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

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

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

23 "Appraisal Subcommittee" means the Appraisal Subcommittee
24 of the Federal Financial Institutions Examination Council as
25 established by Title XI.

26 "Appraiser" means a person who performs real estate or

1 real property appraisals competently and in a manner that is
2 independent, impartial, and objective.

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

14 ~~"AOB" means the Appraisal Qualifications Board of the~~
15 ~~Appraisal Foundation.~~

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

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

25 "Board" means the Real Estate Appraisal Administration and
26 Disciplinary Board.

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

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

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

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

1 broker or managing broker, other than compensation based upon
2 the sale or rental of real estate.

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

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

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

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

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

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

25 "Financial institution" means any bank, savings bank,
26 savings and loan association, credit union, mortgage broker,

1 mortgage banker, licensee under the Consumer Installment Loan
2 Act or the Sales Finance Agency Act, or a corporate fiduciary,
3 subsidiary, affiliate, parent company, or holding company of
4 any such licensee, or any institution involved in real estate
5 financing that is regulated by state or federal law.

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

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

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

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

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

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

23 "Real estate related financial transaction" means any
24 transaction involving:

25 (1) the sale, lease, purchase, investment in, or
26 exchange of real property, including interests in property

1 or the financing thereof;

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

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

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

9 "Secretary" means the Secretary of Financial and
10 Professional Regulation or the Secretary's designee.

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

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

24 "Supervising appraiser" means either (i) an appraiser who
25 holds a valid license under this Act as either a State
26 certified general real estate appraiser or a State certified

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

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

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

13 "Valuation services" means services pertaining to aspects
14 of property value.

15 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;
16 102-970, eff. 5-27-22.)

17 (225 ILCS 458/5-25)

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

19 Sec. 5-25. Renewal of license.

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

1 preceding the expiration date by:

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

6 (2) paying the required fees; and

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

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

20 (c) (Blank).

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

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

5 (2) paying the required fees; and

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

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

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

22 (1) on active duty with the United States Armed
23 Services;

24 (2) serving as the Coordinator or an employee of the
25 Department who was required to surrender the license
26 during the term of employment.

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

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

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

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

23 (Source: P.A. 101-81, eff. 7-12-19; 102-20, eff. 1-1-22;
24 102-970, eff. 5-27-22.)

25 (225 ILCS 458/10-5)

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

2 Sec. 10-5. Scope of practice.

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

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

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

22 (d) An associate real estate trainee appraiser is limited
23 in scope of practice in all transactions or appraisal reports
24 in accordance with the provisions of USPAP, this Act, and the
25 rules adopted pursuant to this Act. ~~In addition, an~~ An
26 associate real estate trainee appraiser shall be required to

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

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

16 (225 ILCS 458/10-10)

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

18 Sec. 10-10. Standards of practice. All persons licensed
19 under this Act must comply with standards of professional
20 appraisal practice adopted by the Department. The Department
21 must adopt, as part of its rules, the Uniform Standards of
22 Professional Appraisal Practice (USPAP) as published from time
23 to time by the Appraisal Standards Board of the Appraisal
24 Foundation. The Department shall consider federal laws and
25 regulations, including, but not limited to, appraisal

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

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

11 (225 ILCS 458/15-10)

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

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

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

25 (1) Procuring or attempting to procure a license by

1 knowingly making a false statement, submitting false
2 information, engaging in any form of fraud or
3 misrepresentation, or refusing to provide complete
4 information in response to a question in an application
5 for licensure.

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

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

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

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

24 (6) Violating a provision or standard for the
25 development or communication of real estate appraisals as
26 provided in Section 10-10 of this Act or as defined by

1 rule.

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

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

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

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

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

24 (12) Developing valuation conclusions based on the
25 race, color, religion, sex, national origin, ancestry,
26 age, marital status, family status, physical or mental

1 disability, sexual orientation, pregnancy, order of
2 protection status, military status, ~~or~~ unfavorable
3 military discharge, source of income, or any other
4 protected class as defined under the Illinois Human Rights
5 Act, of the prospective or present owners or occupants of
6 the area or property under appraisal.

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

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

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

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

23 (17) Failing to fully cooperate with a Department
24 investigation by knowingly making a false statement,
25 submitting false or misleading information, or refusing to
26 provide complete information in response to written

1 interrogatories or a written request for documentation
2 within 30 days of the request.

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

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

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

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

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

26 (23) A pattern of practice or other behavior that

1 demonstrates incapacity or incompetence to practice under
2 this Act.

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

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

10 (26) Making a material misstatement in furnishing
11 information to the Department.

12 (27) Failure to furnish information to the Department
13 upon written request.

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

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

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

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

7 (4) Engaging in misleading or untruthful advertising.

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

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

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

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

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

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

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

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

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

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

18 (225 ILCS 458/15-15)

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

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

21 (a) Upon the motion of the Department or the Board or upon
22 a complaint in writing of a person setting forth facts that, if
23 proven, would constitute grounds for suspension, revocation,
24 or other disciplinary action, the Department shall investigate
25 the actions or qualifications of any person who is against a

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

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

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

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

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

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

19 (e) The Department has the power to issue subpoenas and
20 subpoenas duces tecum to bring before it any person in this
21 State, to take testimony, or to require production of any
22 records relevant to an inquiry or hearing by the Board in the
23 same manner as prescribed by law in judicial proceedings in
24 the courts of this State. In a case of refusal of a witness to
25 attend, testify, or to produce books or papers concerning a
26 matter upon which the witness might be lawfully examined, the

1 circuit court of the county where the hearing is held, upon
2 application of the Department or any party to the proceeding,
3 may compel obedience by proceedings as for contempt.

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

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

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

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

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

2 (225 ILCS 458/25-10)

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

4 Sec. 25-10. Real Estate Appraisal Administration and
5 Disciplinary Board; appointment.

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

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

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

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

21 (4) Three appointed members shall have been actively
22 engaged and currently licensed as State certified
23 residential real estate appraisers for a period of not
24 less than 5 years.

25 (5) One appointed member shall hold a valid license as

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

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

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

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

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

24 In making the appointment as provided in paragraph (6) of
25 this subsection, the Governor shall give due consideration to
26 the recommendations by members and organizations representing

1 financial institutions.

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

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

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

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

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

26 (g) The Coordinator shall serve as a member of the Board

1 without vote.

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

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

23 (j) The Department shall seek and the Board shall provide
24 recommendations to the Department consistent with the
25 provisions of this Act and for the administration and
26 enforcement of all rules adopted pursuant to this Act. The

1 Department shall give due consideration to such
2 recommendations prior to adopting rules.

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

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

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

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

24 (o) (Blank).

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

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

3 (225 ILCS 459/65)

4 Sec. 65. Disciplinary actions.

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

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

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

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

23 (4) Making any misrepresentation for the purpose of
24 obtaining registration or violating any provision of this
25 Act or the rules adopted under this Act pertaining to

1 advertising.

2 (5) Professional incompetence.

3 (6) Gross malpractice.

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

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

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

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

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

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

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

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

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

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

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

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

13 (19) Violating the terms of any order issued by the
14 Department.

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

23 (c) An appraisal management company shall not be
24 registered or included on the national registry if the
25 company, in whole or in part, directly or indirectly, is owned
26 by a person who has had an appraiser license or certificate

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

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

11 (225 ILCS 459/75)

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

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

1 email address at which to accept electronic service for that
2 specific proceeding, by sending a copy by email to the party's
3 email address on record.

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

5 (225 ILCS 459/95)

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

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

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