



Rep. Jim Sacia

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09500HB1406ham002

LRB095 04356 RAS 33626 a

1 AMENDMENT TO HOUSE BILL 1406

2 AMENDMENT NO. _____. Amend House Bill 1406, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Auction License Act is amended by changing
6 Sections 5-10, 10-1, 10-5, 10-15, 10-20, 10-25, 10-27, 10-30,
7 10-35, 10-40, 10-45, 10-50, 20-5, 20-15, 20-20, 20-25, 20-30,
8 20-35, 20-40, 20-45, 20-50, 20-55, 20-60, 20-65, 20-70, 20-75,
9 20-80, 20-85, 20-90, 20-95, 25-5, 25-10, 25-15, 30-5, 30-10,
10 30-15, 30-20, 30-25, 30-30, 30-40, 30-45, 30-50, and 30-55 and
11 by adding Section 20-100 as follows:

12 (225 ILCS 407/5-10)

13 (Section scheduled to be repealed on January 1, 2010)

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

15 "Advertisement" means any written, oral, or electronic
16 communication that contains a promotion, inducement, or offer

1 to conduct an auction or offer to provide an auction service,
2 including but not limited to brochures, pamphlets, radio and
3 television scripts, telephone and direct mail solicitations,
4 electronic media, and other means of promotion.

5 "Advisory Board" means the Auctioneer Advisory Board.

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

9 "Auction" means the sale or lease of property, real or
10 personal, by means of exchanges between an auctioneer or
11 associate auctioneer and prospective purchasers or lessees,
12 which consists of a series of invitations for offers made by
13 the auctioneer or associate auctioneer and offers by
14 prospective purchasers or lessees for the purpose of obtaining
15 an acceptable offer for the sale or lease of the property,
16 including the sale or lease of property via mail,
17 telecommunications, or the Internet.

18 "Auction contract" means a written agreement between an
19 auctioneer, associate auctioneer, or auction firm and a seller
20 or sellers.

21 "Auction firm" means any corporation, partnership, or
22 limited liability company that acts as an auctioneer and
23 provides an auction service.

24 "Auction school" means any educational institution, public
25 or private, which offers a curriculum of auctioneer education
26 and training approved by the Department ~~Office of Banks and~~

1 ~~Real Estate.~~

2 "Auction service" means the service of arranging,
3 managing, advertising, or conducting auctions.

4 "Auctioneer" means a person or entity who, for another, for
5 a fee, compensation, commission, or any other valuable
6 consideration at auction or with the intention or expectation
7 of receiving valuable consideration by the means of or process
8 of an auction or sale at auction or providing an auction
9 service, including at an Internet auction storefront, offers,
10 negotiates, or attempts to negotiate an auction contract, sale,
11 purchase, or exchange of goods, chattels, merchandise,
12 personal property, real property, or any commodity that may be
13 lawfully kept or offered for sale by or at auction.

14 ~~"Commissioner" means the Commissioner of the Office of
15 Banks and Real Estate or his or her designee.~~

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

18 ~~"Director" means the Director of Auction Regulation.~~

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

22 "Internet auction storefront" means any entity with a
23 physical location that serves as an agent for its customers in
24 using the services of an Internet auction listing service as
25 defined in Section 10-27."

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

1 "Managing auctioneer" means any person licensed as an
2 auctioneer who manages and supervises licensees sponsored by an
3 auction firm or auctioneer.

4 ~~"OBRE" means the Office of Banks and Real Estate.~~

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

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

10 "Secretary" means the Secretary of the Department of
11 Financial and Professional Regulation or his or her designee.

12 "Sponsoring auctioneer" means the auctioneer or auction
13 firm who has issued a sponsor card to a licensed associate
14 auctioneer or auctioneer.

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

20 (Source: P.A. 91-603, eff. 1-1-00; 92-16, eff. 6-28-01.)

21 (225 ILCS 407/10-1)

22 (Section scheduled to be repealed on January 1, 2010)

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

24 (a) It is unlawful for any person, corporation, limited
25 liability company, partnership, or other entity to conduct an

1 auction, provide an auction service, hold himself or herself
2 out as an auctioneer, or advertise his or her services as an
3 auctioneer in the State of Illinois without a license issued by
4 the Department ~~OBRE~~ under this Act, except at:

5 (1) an auction conducted solely by or for a
6 not-for-profit organization for charitable purposes;

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

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

13 (4) an auction conducted by a business registered as a
14 market agency under the federal Packers and Stockyards Act
15 (7 U.S.C. 181 et seq.) or under the Livestock Auction
16 Market Law;

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

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

23 (b) Nothing in this Act shall be construed to apply to a
24 new or used vehicle dealer or a vehicle auctioneer licensed by
25 the Secretary of State of Illinois, or to any employee of the
26 licensee, who is a resident of the State of Illinois, while the

1 employee is acting in the regular scope of his or her
2 employment for the licensee while conducting an auction that is
3 not open to the public, provided that only new or used vehicle
4 dealers, rebuilders, automotive parts recyclers, scrap
5 processors, or out-of-state salvage vehicle buyers licensed by
6 the Secretary of State or licensed by another jurisdiction may
7 buy property at the auction, or to sales by or through the
8 licensee.

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

13 (d) Nothing in this Act, except Section 10-27, shall be
14 construed to apply to a person while providing an Internet
15 auction listing service as defined in Section 10-27.

16 (Source: P.A. 91-603, eff. 1-1-00; 92-798, eff. 8-15-02.)

17 (225 ILCS 407/10-5)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 10-5. Requirements for auctioneer license;
20 application. Every person who desires to obtain an auctioneer
21 license under this Act shall:

22 (1) apply to the Department ~~OBRE~~ on forms provided by
23 the Department ~~OBRE~~ accompanied by the required fee;

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

25 (3) have attained a high school diploma or successfully

1 completed an equivalent course of study determined by an
2 examination conducted by the Illinois State Board of
3 Education;

4 (4) ~~personally take and~~ pass a written examination
5 authorized by the Department ~~OBRE~~ to prove competence,
6 including but not limited to general knowledge of Illinois
7 and federal laws pertaining to personal property
8 contracts, auctions, real property, ~~relevant provisions of~~
9 ~~Article 4 of the Uniform Commercial Code,~~ ethics, and other
10 topics relating to the auction business; and

11 (5) submit to the Department ~~OBRE~~ a properly completed
12 45-Day Permit Sponsor Card on forms provided by the
13 Department ~~OBRE~~.

14 (Source: P.A. 91-603, eff. 1-1-00.)

15 (225 ILCS 407/10-15)

16 (Section scheduled to be repealed on January 1, 2010)

17 Sec. 10-15. Requirements for associate auctioneer license;
18 application. Every person who desires to obtain an associate
19 auctioneer license under this Act shall:

20 (1) apply to the Department ~~OBRE~~ on forms provided by
21 the Department ~~OBRE~~ accompanied by the required fee;

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

23 (3) have attained a high school diploma or successfully
24 completed an equivalent course of study determined by an
25 examination conducted by the Illinois State Board of

1 Education;

2 (4) ~~personally take and~~ pass a written examination
3 authorized by the Department ~~OBRE~~ to prove competence,
4 including but not limited to general knowledge of Illinois
5 and federal laws pertaining to personal property
6 contracts, auctions, real property, ~~relevant provisions of~~
7 ~~Article 4 of the Uniform Commercial Code,~~ ethics, and other
8 topics relating to the auction business; and

9 (5) submit to the Department ~~OBRE~~ a properly completed
10 45-day permit sponsor card on forms provided by the
11 Department ~~OBRE~~.

12 (Source: P.A. 91-603, eff. 1-1-00.)

13 (225 ILCS 407/10-20)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 10-20. Requirements for auction firm license;
16 application. Any corporation, limited liability company, or
17 partnership who desires to obtain an auction firm license
18 shall:

19 (1) apply to the Department ~~OBRE~~ on forms provided by
20 the Department ~~OBRE~~ accompanied by the required fee; and

21 (2) provide evidence to the Department ~~OBRE~~ that the
22 auction firm has a properly licensed managing auctioneer.

23 (Source: P.A. 91-603, eff. 1-1-00.)

24 (225 ILCS 407/10-27)

1 (Section scheduled to be repealed on January 1, 2010)

2 Sec. 10-27. Registration of Internet Auction Listing
3 Service.

4 (a) For the purposes of this Section:

5 (1) "Internet Auction Listing Service" means a website
6 on the Internet, or other interactive computer service that
7 is designed to allow or advertised as a means of allowing
8 users to offer personal property or services for sale or
9 lease to a prospective buyer or lessee through an on-line
10 bid submission process using that website or interactive
11 computer service and that does not examine, set the price,
12 or prepare the description of the personal property or
13 service to be offered, or in any way utilize the services
14 of a natural person as an auctioneer.

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

20 (b) It is unlawful for any person, corporation, limited
21 liability company, partnership, or other entity to provide an
22 Internet auction listing service in the State of Illinois for
23 compensation without being registered with the Department
24 ~~Office of Banks and Real Estate (OBRE)~~ when:

25 (1) the person, corporation, limited liability
26 company, partnership, or other entity providing the

1 Internet auction listing service is located in the State of
2 Illinois;

3 (2) the prospective seller or seller, prospective
4 lessor or lessor, or prospective purchaser or purchaser is
5 located in the State of Illinois and is required to agree
6 to terms with the person, corporation, limited liability
7 company, partnership, or other entity providing the
8 Internet auction listing service, no matter where that
9 person, corporation, limited liability company,
10 partnership, or other entity is located; or

11 (3) the personal property or services offered for sale
12 or lease are located or will be provided in the State of
13 Illinois.

14 (c) Any person, corporation, limited liability company,
15 partnership, or other entity that provides an Internet auction
16 listing service in the State of Illinois for compensation under
17 any of the circumstances listed in subsection (b) shall
18 register with the Department ~~OBRE~~ on forms provided by the
19 Department ~~OBRE~~ accompanied by the required fee as provided by
20 rule. Such registration shall include information as required
21 by the Department ~~OBRE~~ and established by rule as the
22 Department ~~OBRE~~ deems necessary to enable users of the Internet
23 auction listing service in Illinois to identify the entity
24 providing the service and to seek redress or further
25 information from such entity. The fee shall be sufficient to
26 cover the reasonable costs of the Department ~~OBRE~~ in

1 administering and enforcing the provisions of this Section. The
2 registrant shall be required to certify:

3 (1) that the registrant does not act as the agent of
4 users who sell items on its website, and acts only as a
5 venue for user transactions;

6 (2) that the registrant requires sellers and bidders to
7 register with the website and provide their name, address,
8 telephone number and e-mail address;

9 (3) that the registrant retains such information for a
10 period of at least 2 years;

11 (4) that the registrant retains transactional
12 information consisting of at least seller identification,
13 high bidder identification, and item sold for at least 2
14 years from the close of a transaction, and has a mechanism
15 to identify all transactions involving a particular seller
16 or buyer;

17 (5) that the registrant has a mechanism to receive
18 complaints or inquiries from users;

19 (6) that the registrant adopts and reasonably
20 implements a policy of suspending, in appropriate
21 circumstances, the accounts of users who, based on the
22 registrant's investigation, are proven to have engaged in a
23 pattern of activity that appears to be deliberately
24 designed to defraud consumers on the registrant's website;
25 and

26 (7) that the registrant will comply with the Department

1 ~~OBRE~~ and law enforcement requests for stored data in its
2 possession, subject to the requirements of applicable law.

3 (d) The Department ~~OBRE~~ may refuse to accept a registration
4 which is incomplete or not accompanied by the required fee. The
5 Department ~~OBRE~~ may impose a civil penalty not to exceed
6 \$10,000 upon any Internet auction listing service that
7 intentionally fails to register as required by this Section,
8 and may impose such penalty or revoke, suspend, or place on
9 probation or administrative supervision the registration of
10 any Internet auction listing service that:

11 (1) intentionally makes a false or fraudulent material
12 representation or material misstatement or
13 misrepresentation to the Department ~~OBRE~~ in connection
14 with its registration, including in the certification
15 required under subsection (c);

16 (2) is convicted of any crime, an essential element of
17 which is dishonesty, fraud, larceny, embezzlement, or
18 obtaining money, property, or credit by false pretenses or
19 by means of a confidence game; or is convicted in this or
20 another state of a crime that is a felony under the laws of
21 this State; or is convicted of a felony in a federal court;

22 (3) is adjudged to be a person under legal disability
23 or subject to involuntary admission or to meet the standard
24 for judicial admission as provided in the Mental Health and
25 Developmental Disabilities Code;

26 (4) has been subject to discipline by another state,

1 the District of Columbia, a territory of the United States,
2 a foreign nation, a governmental agency, or any other
3 entity authorized to impose discipline if at least one of
4 the grounds for that discipline is the same as or
5 equivalent to one of the grounds for discipline set forth
6 in this Section or for failing to report to the Department
7 ~~OBRE~~, within 30 days, any adverse final action taken
8 against the registrant by any other licensing or
9 registering jurisdiction, government agency, law
10 enforcement agency, or court, or liability for conduct that
11 would constitute grounds for action as set forth in this
12 Section;

13 (5) fails to make available to the Department ~~OBRE~~
14 personnel during normal business hours all records and
15 related documents maintained in connection with the
16 activities subject to registration under this Section;

17 (6) makes or files false records or reports in
18 connection with activities subject to registration,
19 including but not limited to false records or reports filed
20 with State agencies;

21 (7) fails to provide information within 30 days in
22 response to a written request made by the Department ~~OBRE~~
23 to a person designated in the registration for receipt of
24 such requests; or

25 (8) fails to perform any act or procedure described in
26 subsection (c) of this Section.

1 (e) Registrations issued pursuant to this Section shall
2 expire on September 30 of odd-numbered years. A registrant
3 shall submit a renewal application to the Department ~~OBRE~~ on
4 forms provided by the Department ~~OBRE~~ along with the required
5 fee as established by rule.

6 (f) Operating an Internet auction listing service under any
7 of the circumstances listed in subsection (b) without being
8 currently registered under this Section is declared to be
9 adverse to the public welfare, to constitute a public nuisance,
10 and to cause irreparable harm to the public welfare. The
11 Secretary ~~Commissioner of OBRE~~, the Attorney General of the
12 State of Illinois, the State's Attorney of any county in the
13 State, or any other person may maintain an action and apply for
14 injunctive relief in any circuit court to enjoin the person or
15 entity from engaging in such practice.

16 (g) The provisions of Sections 20-25, 20-30, 20-35, 20-40,
17 20-45, 20-50, 20-55, 20-60 and 20-75 of this Act shall apply to
18 any actions of the Department ~~OBRE~~ exercising its authority
19 under subsection (d) as if a person required to register under
20 this Section were a person holding or claiming to hold a
21 license under this Act.

22 (h) The Department ~~OBRE~~ shall have the authority to adopt
23 such rules as may be necessary to implement or interpret the
24 provisions of this Section.

25 (Source: P.A. 92-798, eff. 8-15-02.)

1 (225 ILCS 407/10-30)

2 (Section scheduled to be repealed on January 1, 2010)

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

4 (a) License expiration dates, renewal periods, renewal
5 fees, and procedures for renewal of licenses issued under this
6 Act shall be set by rule of the Department. An entity may renew
7 its license by paying the required fee and by meeting the
8 renewal requirements adopted by the Department under this
9 Section. A license issued under this Act shall expire every 2
10 years beginning on September 30, 2001. The OBRE shall issue a
11 renewal license without examination to an applicant upon
12 submission of a completed renewal application and payment of
13 the required fee.

14 (b) All renewal applicants must provide proof as determined
15 by the Department of having met the continuing education
16 requirements set forth by the Department by rule. At a minimum,
17 the rules shall require an applicant for renewal licensure as
18 an auctioneer or associate auctioneer to provide proof of the
19 completion of at least 12 hours of continuing education during
20 the pre-renewal period preceding the expiration date of the
21 license from schools approved by the Department, as established
22 by rule. The OBRE shall develop a program for continuing
23 education as established in Article 25 of this Act. No
24 auctioneer or associate auctioneer shall receive a renewal
25 license without completing 12 hours of approved continuing
26 education course work during the pre renewal period prior to

1 ~~the expiration date of the license from continuing education~~
2 ~~schools that are approved by the OBRE, as established in~~
3 ~~Article 25 of this Act. The applicant shall verify on the~~
4 ~~application that he or she:~~

5 ~~(1) has complied with the continuing education~~
6 ~~requirements; or~~

7 ~~(2) is exempt from the continuing education~~
8 ~~requirements because it is his or her first renewal and he~~
9 ~~or she was initially licensed as an auctioneer or associate~~
10 ~~auctioneer during the pre-renewal period prior to the~~
11 ~~expiration date.~~

12 (c) The Department, in its discretion, may waive
13 enforcement of the continuing education requirements of this
14 Section and shall adopt rules defining the standards and
15 criteria for such waiver. ~~A renewal applicant may request a~~
16 ~~waiver of the continuing education requirements under~~
17 ~~subsection (d) of this Section, but shall not practice as an~~
18 ~~auctioneer or associate auctioneer until such waiver is granted~~
19 ~~and a renewal license is issued.~~

20 (d) (Blank). ~~The Commissioner, with the recommendation of~~
21 ~~the Advisory Board, may grant a renewal applicant a waiver from~~
22 ~~all or part of the continuing education requirements for the~~
23 ~~pre-renewal period if the applicant was not able to fulfill the~~
24 ~~requirements as a result of the following conditions:~~

25 ~~(1) Service in the armed forces of the United States~~
26 ~~during a substantial part of the pre-renewal period.~~

- 1 ~~(2) Service as an elected State or federal official.~~
2 ~~(3) Service as a full-time employee of the OBRE.~~
3 ~~(4) Other extreme circumstances as recommended by the~~
4 ~~Advisory Board.~~

5 (Source: P.A. 91-603, eff. 1-1-00.)

6 (225 ILCS 407/10-35)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 10-35. Completed 45-day permit sponsor card;
9 termination by sponsoring auctioneer; inoperative status.

10 (a) No auctioneer or associate auctioneer shall conduct an
11 auction or provide an auction service without being properly
12 sponsored by a licensed auctioneer or auction firm.

13 (b) The sponsoring auctioneer or sponsoring auction firm
14 shall prepare upon forms provided by the Department ~~OBRE~~ and
15 deliver to each auctioneer or associate auctioneer employed by
16 or associated with the sponsoring auctioneer or sponsoring
17 auction firm a properly completed duplicate 45-day permit
18 sponsor card certifying that the person whose name appears
19 thereon is in fact employed by or associated with said
20 sponsoring auctioneer or sponsoring auction firm. The
21 sponsoring auctioneer or sponsoring auction firm shall send the
22 original 45-day permit sponsor card, along with a valid
23 terminated license or other authorization as provided by rule
24 and the appropriate fee, to the Department ~~OBRE~~ within 24 hours
25 after the issuance of the sponsor card. It is a violation of

1 this Act for any sponsoring auctioneer or sponsoring auction
2 firm to issue a sponsor card to any auctioneer, associate
3 auctioneer, or applicant, unless the auctioneer, associate
4 auctioneer, or applicant presents in hand a valid terminated
5 license or other authorization, as provided by rule.

6 (c) An auctioneer may be self-sponsored or may be sponsored
7 by another licensed auctioneer or auction firm.

8 (d) An associate auctioneer must be sponsored by a licensed
9 auctioneer or auction firm.

10 (e) When an auctioneer or associate auctioneer terminates
11 his or her employment or association with a sponsoring
12 auctioneer or sponsoring auction firm or the employment or
13 association is terminated by the sponsoring auctioneer or
14 sponsoring auction firm, the terminated licensee shall obtain
15 from that sponsoring auctioneer or sponsoring auction firm his
16 or her license endorsed by the sponsoring auctioneer or
17 sponsoring auction firm indicating the termination. The
18 terminating sponsoring auctioneer or sponsoring auction firm
19 shall send a copy of the terminated license within 5 days after
20 the termination to the Department ~~OBRE~~ or shall notify the
21 Department ~~OBRE~~ in writing of the termination and explain why a
22 copy of the terminated license was not surrendered.

23 (f) The license of any auctioneer or associate auctioneer
24 whose association with a sponsoring auctioneer or sponsoring
25 auction firm has terminated shall automatically become
26 inoperative immediately upon such termination, unless the

1 terminated licensee accepts employment or becomes associated
2 with a new sponsoring auctioneer or sponsoring auction firm
3 pursuant to subsection (g) of this Section. An inoperative
4 licensee under this Act shall not conduct an auction or provide
5 auction services while the license is in inoperative status.

6 (g) When a terminated or inoperative auctioneer or
7 associate auctioneer accepts employment or becomes associated
8 with a new sponsoring auctioneer or sponsoring auction firm,
9 the new sponsoring auctioneer or sponsoring auction firm shall
10 send to the Department ~~OBRE~~ a properly completed 45-day permit
11 sponsor card, the terminated license, and the appropriate fee.

12 (Source: P.A. 91-603, eff. 1-1-00.)

13 (225 ILCS 407/10-40)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 10-40. Restoration.

16 (a) A licensee whose license has lapsed or expired shall
17 have 2 years from the expiration date to restore his or her
18 license without examination. The expired licensee shall make
19 application to the Department ~~OBRE~~ on forms provided by the
20 Department ~~OBRE~~, including a properly completed 45-day permit
21 sponsor card, provide evidence of successful completion of 12
22 hours of approved continuing education during the period of
23 time the license had lapsed, and pay all lapsed fees and
24 penalties as established by administrative rule.

25 (b) Notwithstanding any other provisions of this Act to the

1 contrary, any licensee whose license under this Act has expired
2 is eligible to restore such license without paying any lapsed
3 fees and penalties provided that the license expired while the
4 licensee was:

5 (1) on active duty with the United States Army, United
6 States ~~State~~ Marine Corps, United States Navy, United
7 States Air Force, United States Coast Guard, the State
8 Militia called into service or training;

9 (2) engaged in training or education under the
10 supervision of the United States prior to induction into
11 military service; or

12 (3) serving as an employee of the Department ~~OBRE~~,
13 while the employee was required to surrender his or her
14 license due to a possible conflict of interest.

15 A licensee shall be eligible to restore a license under the
16 provisions of this subsection for a period of 2 years following
17 the termination of the service, education, or training by
18 providing a properly completed application and 45-day permit
19 sponsor card, provided that the termination was by other than
20 dishonorable discharge and provided that the licensee
21 furnishes the Department ~~OBRE~~ with an affidavit specifying that
22 the licensee has been so engaged.

23 (c) At any time after the suspension, revocation, placement
24 on probationary status, or other disciplinary action taken
25 under this Act with reference to any license, the Department
26 ~~OBRE~~ may restore the license to the licensee without

1 examination upon the order of the Secretary ~~Commissioner~~, if
2 the licensee submits a properly completed application and
3 45-day permit sponsor card, pays appropriate fees, and
4 otherwise complies with the conditions of the order.

5 (Source: P.A. 91-603, eff. 1-1-00; revised 10-11-05.)

6 (225 ILCS 407/10-45)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 10-45. Nonresident auctioneer reciprocity.

9 (a) A person holding a license to engage in auctions issued
10 to him or her by the proper authority of a state, territory, or
11 possession of the United States of America or the District of
12 Columbia that has licensing requirements equal to or
13 substantially equivalent to the requirements of this State and
14 that otherwise meets the requirements of this Act may obtain a
15 license under this Act without examination, provided:

16 (1) that the Department ~~OBRE~~ has entered into a valid
17 reciprocal agreement with the proper authority of the
18 state, territory, or possession of the United States of
19 America or the District of Columbia from which the
20 nonresident applicant has a valid license;

21 (2) that the applicant provides the Department ~~OBRE~~
22 with a certificate of good standing from the applicant's
23 resident state;

24 (3) that the applicant completes and submits an
25 application as provided by the Department ~~OBRE~~; and

1 (4) that the applicant pays all applicable fees
2 required under this Act.

3 (b) A nonresident applicant shall file an irrevocable
4 consent with the Department ~~OBRE~~ that actions may be commenced
5 against the applicant or nonresident licensee in a court of
6 competent jurisdiction in this State by the service of summons,
7 process, or other pleading authorized by the law upon the
8 Secretary ~~Commissioner~~. The consent shall stipulate and agree
9 that service of the process, summons, or pleading upon the
10 Secretary ~~Commissioner~~ shall be taken and held in all courts to
11 be valid and binding as if actual service had been made upon
12 the applicant in Illinois. If a summons, process, or other
13 pleading is served upon the Secretary ~~Commissioner~~, it shall be
14 by duplicate copies, one of which shall be retained by the
15 Department ~~OBRE~~ and the other immediately forwarded by
16 certified or registered mail to the last known business address
17 of the applicant or nonresident licensee against whom the
18 summons, process, or other pleading may be directed.

19 (Source: P.A. 91-603, eff. 1-1-00.)

20 (225 ILCS 407/10-50)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 10-50. Fees. Fees shall be determined by rule and
23 shall be non-refundable. ~~The OBRE shall provide by~~
24 ~~administrative rule for fees to be paid by applicants,~~
25 ~~licensees, and schools to cover the reasonable costs of the~~

1 ~~OBRE in administering and enforcing the provisions of this Act.~~

2 The Department ~~OBRE~~ shall provide by administrative rule for
3 fees to be collected from licensees and applicants to cover the
4 statutory requirements for funding the Auctioneer Recovery
5 Fund. The Department ~~OBRE~~ may also provide by administrative
6 rule for general fees to cover the reasonable expenses of
7 carrying out other functions and responsibilities under this
8 Act.

9 (Source: P.A. 91-603, eff. 1-1-00.)

10 (225 ILCS 407/20-5)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 20-5. Unlicensed practice; civil penalty.

13 (a) Any person who practices, offers to practice, attempts
14 to practice, or holds oneself out to practice as an auctioneer,
15 an associate auctioneer, an auction firm, or any other licensee
16 under this Act without being licensed under this Act shall, in
17 addition to any other penalty provided by law, pay a civil
18 penalty ~~fine~~ to the Department ~~OBRE~~ in an amount not to exceed
19 \$10,000 for each offense as determined by the Department ~~OBRE~~.
20 The civil penalty ~~fine~~ shall be assessed by the Department ~~OBRE~~
21 after a hearing is held in accordance with the provisions set
22 forth in this Act regarding a hearing for the discipline of a
23 license.

24 (b) The Department ~~OBRE~~ has the authority and power to
25 investigate any and all unlicensed activity pursuant to this

1 Act.

2 (c) The civil penalty ~~fine~~ shall be paid within 60 days
3 after the effective date of the order imposing the civil
4 penalty ~~fine~~. The order shall constitute a judgment ~~judgement~~
5 and may be filed and execution had thereon in the same manner
6 from any court of record.

7 (d) Conducting an auction or providing an auction service
8 in Illinois without holding a valid and current license under
9 this Act is declared to be adverse to the public welfare, to
10 constitute a public nuisance, and to cause irreparable harm to
11 the public welfare. The Secretary ~~Commissioner~~, the Attorney
12 General, the State's Attorney of any county in the State, or
13 any other person may maintain an action in the name of the
14 People of the State of Illinois and may apply for injunctive
15 relief in any circuit court to enjoin the person or entity from
16 engaging in such practice.

17 Upon the filing of a verified petition in a circuit court,
18 the court, if satisfied by affidavit or otherwise that the
19 person or entity has been engaged in the practice of auctioning
20 without a valid and current license, may enter a temporary
21 restraining order without notice or bond enjoining the
22 defendant from further practice. Only the showing of
23 non-licensure, by affidavit or otherwise, is necessary in order
24 for a temporary injunction to be issued. A copy of the verified
25 complaint shall be served upon the defendant and the
26 proceedings shall thereafter be conducted as in other civil

1 cases except as modified by this Section. If it is established
2 that the defendant has been or is engaged in unlawful practice,
3 the court may enter an order or judgment perpetually enjoining
4 the defendant from further practice. In all proceedings
5 hereunder, the court, in its discretion, may apportion the
6 costs among the parties interested in the action, including
7 cost of filing the complaint, service of process, witness fees
8 and expenses, court reporter charges, and reasonable
9 attorneys' fees. In case of violation of any injunctive order
10 entered under the provisions of this Section, the court may
11 summarily try and punish the offender for contempt of court.
12 These injunction proceedings shall be in addition to, and not
13 in lieu of, all penalties and other remedies provided in this
14 Act.

15 (Source: P.A. 91-603, eff. 1-1-00.)

16 (225 ILCS 407/20-15)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 20-15. Disciplinary actions; grounds. The Department
19 ~~OBRE~~ may refuse to issue or renew a license, may place on
20 probation or administrative supervision, suspend, or revoke
21 any license or may reprimand or take other disciplinary or
22 non-disciplinary action as the Department may deem proper,
23 including the imposition of fines ~~otherwise discipline or~~
24 ~~impose a civil fine~~ not to exceed \$10,000 for each violation
25 upon anyone licensed under this Act for any of the following

1 ~~reasons upon any licensee hereunder for any one or any~~
2 ~~combination of the following causes:~~

3 (1) False or fraudulent representation or material
4 misstatement in furnishing information to the Department
5 ~~OBRE~~ in obtaining or seeking to obtain a license.

6 (2) Violation of any provision of this Act or the rules
7 promulgated pursuant to this Act.

8 (3) Conviction of or entry of a plea of guilty or nolo
9 contendere to any crime that is a felony, an essential
10 element of which is dishonesty or fraud, or larceny,
11 embezzlement, or obtaining money, property, or credit by
12 false pretenses or by means of a confidence game,
13 conviction in this or another state of a crime that is a
14 felony under the laws of this State, or conviction of a
15 felony in a federal court.

16 (4) Being adjudged to be a person under legal
17 disability or subject to involuntary admission or to meet
18 the standard for judicial admission as provided in the
19 Mental Health and Developmental Disabilities Code.

20 (5) Discipline of a licensee by another state, the
21 District of Columbia, a territory of the United States, a
22 foreign nation, a governmental agency, or any other entity
23 authorized to impose discipline if at least one of the
24 grounds for that discipline is the same as or the
25 equivalent to one of the grounds for discipline set forth
26 in this Act or for failing to report to the Department

1 ~~OPRE~~, within 30 days, any adverse final action taken
2 against the licensee by any other licensing jurisdiction,
3 government agency, law enforcement agency, or court, or
4 liability for conduct that would constitute grounds for
5 action as set forth in this Act.

6 (6) Engaging in the practice of auctioneering,
7 conducting an auction, or providing an auction service
8 without a license or after the license was expired,
9 revoked, suspended, or terminated or while the license was
10 inoperative.

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

14 (8) Directly or indirectly giving to or receiving from
15 a person, firm, corporation, partnership, or association a
16 fee, commission, rebate, or other form of compensation for
17 professional service not actually or personally rendered.

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

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

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

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

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

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

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

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

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

25 (17) Making or filing false records or reports in his
26 or her practice, including but not limited to false records

1 or reports filed with State agencies.

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

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

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

10 (21) Causing a payment from the Auction Recovery Fund.

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

14 (23) Offering or advertising real estate for sale or
15 lease at auction without a valid broker or salesperson's
16 license under the Real Estate License Act of 1983, or any
17 successor Act, unless exempt from licensure under the terms
18 of the Real Estate License Act of 2001 ~~1983~~, or any
19 successor Act.

20 (24) Physical illness, mental illness, or other
21 impairment including without limitation deterioration
22 through the aging process, mental illness, or disability
23 that results in the inability to practice the profession
24 with reasonable judgment, skill, and safety.

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

1 this Act.

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

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

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

16 The entry of an order by a circuit court establishing that
17 any person holding a license under this Act is subject to
18 involuntary admission or judicial admission, as provided for in
19 the Mental Health and Developmental Disabilities Code,
20 operates as an automatic suspension of that license. That
21 person may have his or her license restored only upon the
22 determination by a circuit court that the patient is no longer
23 subject to involuntary admission or judicial admission and the
24 issuance of an order so finding and discharging the patient and
25 upon the Board's recommendation to the Department that the
26 license be restored. Where circumstances so indicate, the Board

1 may recommend to the Department that it require an examination
2 prior to restoring a suspended license.

3 If the Department or Board finds an individual unable to
4 practice because of the reasons set forth in this Section, the
5 Department or Board may require that individual to submit to
6 care, counseling, or treatment by physicians approved or
7 designated by the Department or Board, as a condition, term, or
8 restriction for continued, reinstated, or renewed licensure to
9 practice; or, in lieu of care, counseling, or treatment, the
10 Department may file, or the Board may recommend to the
11 Department to file, a complaint to immediately suspend, revoke,
12 or otherwise discipline the license of the individual. An
13 individual whose license was granted, continued, reinstated,
14 renewed, disciplined or supervised subject to such terms,
15 conditions, or restrictions, and who fails to comply with such
16 terms, conditions, or restrictions, shall be referred to the
17 Secretary for a determination as to whether the individual
18 shall have his or her license suspended immediately, pending a
19 hearing by the Department. In instances in which the Secretary
20 immediately suspends a person's license under this Section, a
21 hearing on that person's license must be convened by the
22 Department within 21 days after the suspension and completed
23 without appreciable delay. The Department and Board shall have
24 the authority to review the subject individual's record of
25 treatment and counseling regarding the impairment to the extent
26 permitted by applicable federal statutes and regulations

1 safeguarding the confidentiality of medical records.

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

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

1 (Source: P.A. 91-603, eff. 1-1-00.)

2 (225 ILCS 407/20-20)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 20-20. Termination without hearing for failure to pay
5 taxes, child support, or a student loan. The Department ~~OBRE~~
6 may terminate or otherwise discipline any license issued under
7 this Act without hearing if the appropriate administering
8 agency provides adequate information and proof that the
9 licensee has:

10 (1) failed to file a return, to pay the tax, penalty,
11 or interest shown in a filed return, or to pay any final
12 assessment of tax, penalty, or interest, as required by any
13 tax act administered by the Illinois Department of Revenue
14 until the requirements of the tax act are satisfied;

15 (2) failed to pay any court ordered child support as
16 determined by a court order or by referral from the
17 Department of Healthcare and Family Services (formerly
18 Illinois Department of Public Aid); or

19 (3) failed to repay any student loan or assistance as
20 determined by the Illinois Student Assistance
21 Commission. If a license is terminated or otherwise
22 disciplined pursuant to this Section, the licensee may
23 request a hearing as provided by this Act within 30 days of
24 notice of termination or discipline.

25 (Source: P.A. 91-603, eff. 1-1-00; revised 12-15-05.)

1 (225 ILCS 407/20-25)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 20-25. Investigation. The Department ~~OBRE~~ may
4 investigate the actions or qualifications of any person or
5 persons holding or claiming to hold a license under this Act,
6 ~~who shall hereinafter be called the respondent.~~

7 (Source: P.A. 91-603, eff. 1-1-00.)

8 (225 ILCS 407/20-30)

9 (Section scheduled to be repealed on January 1, 2010)

10 Sec. 20-30. Consent orders. Notwithstanding any provisions
11 concerning the conduct of hearings and recommendations for
12 disciplinary actions, the Department ~~OBRE~~ has the authority to
13 negotiate agreements with licensees and applicants resulting
14 in disciplinary consent orders. The consent orders may provide
15 for any form of discipline provided for in this Act. The
16 consent orders shall provide that they were not entered into as
17 a result of any coercion by the Department ~~OBRE~~. Any consent
18 order shall be accepted by or rejected by the Secretary
19 ~~Commissioner~~ in a timely manner.

20 (Source: P.A. 91-603, eff. 1-1-00.)

21 (225 ILCS 407/20-35)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 20-35. Subpoenas; attendance of witnesses; oaths.

1 (a) The Department ~~OBRE~~ shall have the power to issue
2 subpoenas ad testificandum (subpoena for documents) and to
3 bring before it any persons and to take testimony, either
4 orally or by deposition or both, with the same fees and mileage
5 and in the same manner as prescribed in civil cases in the
6 courts of this State. The Department ~~OBRE~~ shall have the power
7 to issue subpoenas duces tecum and to bring before it any
8 documents, papers, files, books, and records with the same
9 costs and in the same manner as prescribed in civil cases in
10 the courts of this State.

11 (b) Any circuit court may, upon application of the
12 Department ~~OBRE~~ or its designee or of the applicant, licensee,
13 or person holding a certificate of licensure against whom
14 proceedings under this Act are pending, enter an order
15 compelling the enforcement of any Department ~~OBRE~~ subpoena
16 issued in connection with any hearing or investigation.

17 (c) The Secretary ~~Commissioner~~ or his or her designee or
18 the Board shall have power to administer oaths to witnesses at
19 any hearing that the Department ~~OBRE~~ is authorized to conduct
20 and any other oaths authorized in any Act administered by the
21 Department ~~OBRE~~.

22 (Source: P.A. 91-603, eff. 1-1-00.)

23 (225 ILCS 407/20-40)

24 (Section scheduled to be repealed on January 1, 2010)

25 Sec. 20-40. Hearings; record of hearings.

1 (a) The Department ~~OBRE~~ shall have the authority to conduct
2 hearings before the Advisory Board on proceedings to revoke,
3 suspend, place on probation or administrative review,
4 reprimand, or refuse to issue or renew any license under this
5 Act or to impose a civil penalty not to exceed \$10,000 upon any
6 licensee under this Act.

7 (b) The Department ~~OBRE~~, at its expense, shall preserve a
8 record of all proceedings at the formal hearing of any case
9 involving the discipline of any license under this Act. The
10 notice of hearing, complaint and all other documents in the
11 nature of pleadings and written motions filed in the
12 proceedings, the transcript of testimony, the report of the
13 Board, and the order of the Department ~~OBRE~~ shall be the record
14 of proceeding. At all hearings or prehearing conference, the
15 Department ~~OBRE~~ and the respondent shall be entitled to have a
16 court reporter in attendance for purposes of transcribing the
17 proceeding or prehearing conference.

18 (Source: P.A. 91-603, eff. 1-1-00.)

19 (225 ILCS 407/20-45)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 20-45. Notice. The Department ~~OBRE~~ shall (i) notify
22 the respondent in writing at least 30 days prior to the date
23 set for the hearing of any charges made and the time and place
24 for the hearing of the charges to be heard under oath and (ii)
25 inform the respondent that, upon failure to file an answer

1 before the date originally set for the hearing, default will be
2 taken against the respondent and the respondent's license may
3 be suspended, revoked, or otherwise disciplined as the
4 Department ~~OBRE~~ may deem proper before taking any disciplinary
5 action with regard to any license under this Act.

6 If the respondent fails to file an answer after receiving
7 notice, the respondent's license may, in the discretion of the
8 Department ~~OBRE~~, be revoked, suspended, or otherwise
9 disciplined as deemed proper, without a hearing, if the act or
10 acts charged constitute sufficient grounds for such action
11 under this Act.

12 At the time and place fixed in the notice, the Department
13 ~~OBRE~~ shall proceed to hearing of the charges and both the
14 respondent and the complainant shall be accorded ample
15 opportunity to present in person or by counsel such statements,
16 testimony, evidence, and argument as may be pertinent to the
17 charges or any defense thereto.

18 (Source: P.A. 91-603, eff. 1-1-00.)

19 (225 ILCS 407/20-50)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 20-50. Board's findings of fact, conclusions of law,
22 and recommendation to the Secretary ~~Commissioner~~. At the
23 conclusion of the hearing, the Advisory Board shall present to
24 the Secretary ~~Commissioner~~ a written report of its findings of
25 facts, conclusions of law, and recommendations regarding

1 discipline or a fine. The report shall contain a finding
2 whether or not the accused person violated this Act or failed
3 to comply with the conditions required in this Act. The
4 Advisory Board shall specify the nature of the violation or
5 failure to comply and shall make its recommendations to the
6 Secretary ~~Commissioner~~.

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

13 (Source: P.A. 91-603, eff. 1-1-00.)

14 (225 ILCS 407/20-55)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 20-55. Motion for rehearing; rehearing. In any hearing
17 involving the discipline of a license, a copy of the Advisory
18 Board's report shall be served upon the respondent by the
19 Department ~~OPRE~~, either personally or as provided in this Act
20 for the service of the notice of hearing. Within 20 calendar
21 days after the service, the respondent may present to the
22 Department ~~OPRE~~ a motion in writing for a rehearing, which
23 shall specify the particular grounds for rehearing.

24 If no motion for rehearing is filed, then upon the
25 expiration of the time specified for filing a motion, or if a

1 motion for rehearing is denied, then upon denial, the Secretary
2 ~~Commissioner~~ may enter an order in accordance with the
3 recommendations of the Advisory Board, except as provided for
4 in this Act. If the respondent orders a transcript of the
5 record from the reporting service and pays for it within the
6 time for filing a motion for rehearing, the 20 calendar day
7 period within which a motion for rehearing may be filed shall
8 commence upon the delivery of the transcript to the respondent.

9 Whenever the Secretary ~~Commissioner~~ is not satisfied that
10 substantial justice has been done in the hearing or in the
11 Advisory Board's report, the Secretary ~~Commissioner~~ may order a
12 rehearing by the same.

13 (Source: P.A. 91-603, eff. 1-1-00.)

14 (225 ILCS 407/20-60)

15 (Section scheduled to be repealed on January 1, 2010)

16 Sec. 20-60. Order; certified copy. An order or a certified
17 copy of an order, over the seal of the Department ~~OBRE~~ and
18 purporting to be signed by the Secretary ~~Commissioner~~ or his or
19 her designee, shall be prima facie proof that:

20 (1) the signature is the genuine signature of the
21 Secretary ~~Commissioner~~ or his or her designee;

22 (2) the Secretary ~~Commissioner~~ is duly appointed and
23 qualified; and

24 (3) the Advisory Board is duly appointed and qualified.

25 (Source: P.A. 91-603, eff. 1-1-00.)

1 (225 ILCS 407/20-65)

2 (Section scheduled to be repealed on January 1, 2010)

3 Sec. 20-65. Restoration of license. At any time after the
4 suspension or revocation of any license, the Department ~~OBRE~~
5 may restore the license to the accused person upon the written
6 recommendation of the Advisory Board, unless after an
7 investigation and a hearing the Advisory Board determines that
8 restoration is not in the public interest.

9 (Source: P.A. 91-603, eff. 1-1-00.)

10 (225 ILCS 407/20-70)

11 (Section scheduled to be repealed on January 1, 2010)

12 Sec. 20-70. Surrender of license. Upon the revocation or
13 suspension of any license the licensee shall immediately
14 surrender the license to the Department ~~OBRE~~. If the licensee
15 fails to do so, the Department ~~OBRE~~ shall have the right to
16 seize the license.

17 (Source: P.A. 91-603, eff. 1-1-00.)

18 (225 ILCS 407/20-75)

19 (Section scheduled to be repealed on January 1, 2010)

20 Sec. 20-75. Administrative Review Law. All final
21 administrative decisions of the Department ~~OBRE~~ are subject to
22 judicial review under the Administrative Review Law and its
23 rules. The term "administrative decision" is defined as in

1 Section 3-101 of the Code of Civil Procedure.

2 Proceedings for judicial review shall be commenced in the
3 circuit court of the county in which the party applying for
4 review resides, but if the party is not a resident of this
5 State, the venue shall be in Cook or Sangamon County.

6 Pending final decision on the review, the acts, orders,
7 sanctions, and rulings of the Department ~~OBRE~~ regarding any
8 license shall remain in full force and effect, unless modified
9 or suspended by a court order pending final judicial decision.
10 The Department ~~OBRE~~ shall not be required to certify any record
11 to the court, file any answer in court, or otherwise appear in
12 any court in a judicial review proceeding, unless there is
13 filed in the court, with the complaint, a receipt from the
14 Department ~~OBRE~~ acknowledging payment of the costs of
15 furnishing and certifying the record. Failure on the part of
16 the plaintiff to file a receipt in court shall be grounds for
17 dismissal of the action.

18 (Source: P.A. 91-603, eff. 1-1-00.)

19 (225 ILCS 407/20-80)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 20-80. Summary suspension. The Secretary ~~Commissioner~~
22 may temporarily suspend any license pursuant to this Act,
23 without hearing, simultaneously with the institution of
24 proceedings for a hearing provided for in this Act, if the
25 Secretary ~~Commissioner~~ finds that the evidence indicates that

1 the public interest, safety, or welfare requires emergency
2 action. In the event that the Secretary ~~Commissioner~~
3 temporarily suspends any license without a hearing, a hearing
4 shall be held within 30 calendar days after the suspension has
5 begun. The suspended licensee may seek a continuance of the
6 hearing during which the suspension shall remain in effect. The
7 proceeding shall be concluded without appreciable delay.

8 (Source: P.A. 91-603, eff. 1-1-00.)

9 (225 ILCS 407/20-90)

10 (Section scheduled to be repealed on January 1, 2010)

11 Sec. 20-90. Cease and desist orders. The Department ~~OBRE~~
12 may issue cease and desist orders to persons who engage in
13 activities prohibited by this Act. Any person in violation of a
14 cease and desist order obtained by the Department ~~OBRE~~ is
15 subject to all of the remedies provided by law.

16 (Source: P.A. 91-603, eff. 1-1-00.)

17 (225 ILCS 407/20-95)

18 (Section scheduled to be repealed on January 1, 2010)

19 Sec. 20-95. Returned checks; fine. A person who delivers a
20 check or other payment to the Department ~~OBRE~~ that is returned
21 to the Department ~~OBRE~~ unpaid by the financial institution upon
22 which it is drawn shall pay to the Department ~~OBRE~~, in addition
23 to the amount already owed to the Department ~~OBRE~~, a fee of
24 \$50. The Department ~~OBRE~~ shall notify the person that his or

1 her check has been returned and that the person shall pay to
2 the Department ~~OBRE~~ by certified check or money order the
3 amount of the returned check plus the \$50 fee within 30
4 calendar days after the date of the notification. If, after the
5 expiration of 30 calendar days of the notification, the person
6 has failed to submit the necessary remittance, the Department
7 ~~OBRE~~ shall automatically terminate the license or deny the
8 application without a hearing. If, after termination or denial,
9 the person seeks a license, he or she shall petition the
10 Department ~~OBRE~~ for restoration and he or she may be subject to
11 additional discipline or fines. The Secretary ~~Commissioner~~ may
12 waive the fines due under this Section in individual cases
13 where the Secretary ~~Commissioner~~ finds that the fines would be
14 unreasonable or unnecessarily burdensome.

15 (Source: P.A. 91-603, eff. 1-1-00; 92-146, eff. 1-1-02.)

16 (225 ILCS 407/20-100 new)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 20-100. Violations. A person who is found to have
19 violated any provision of this Act is guilty of a Class A
20 misdemeanor for the first offense and a Class 4 felony for the
21 second and any subsequent offense.

22 (225 ILCS 407/25-5)

23 (Section scheduled to be repealed on January 1, 2010)

24 Sec. 25-5. Continuing education.

1 (a) For each pre-renewal period, each auctioneer and
2 associate auctioneer who makes application to renew his or her
3 license must successfully complete auction continuing
4 education courses approved by the Advisory Board and the
5 Department ~~OBRE~~ from a school approved by the Advisory Board
6 and the Department ~~OBRE~~.

7 (b) Each renewal applicant shall successfully complete 12
8 hours of continuing education, of which at least 6 hours shall
9 be mandatory ~~core~~ subjects in the following categories:

10 (1) Illinois statutes and rules governing
11 auctioneering;

12 (2) federal statutes and regulations governing
13 auctioneering;

14 (3) auctioneering ethics;

15 (4) escrow and trust accounts;

16 (5) contracts; and

17 (6) other subject matter approved by the Board and
18 established by rule.

19 (c) Each renewal applicant may satisfy the remaining 6
20 hours of continuing education from the mandatory core subjects
21 from the categories as provided in subsection (b) or
22 successfully complete an additional 6 hours of continuing
23 education in the following elective subject categories:

24 (1) agency;

25 (2) business courses related to auctioneering;

26 (3) real estate related courses;

- 1 (4) auction management;
- 2 (5) bid calling;
- 3 (6) public speaking;
- 4 (7) advertising;
- 5 (8) specialty auction courses; or
- 6 (9) other subject matter approved by the Board and
- 7 established by rule.

8 (d) Every licensee shall personally take and pass an
9 examination after each continuing education course, as
10 provided by rule. For the purposes of this Section, 70% shall
11 be deemed a passing score.

12 (Source: P.A. 91-603, eff. 1-1-00.)

13 (225 ILCS 407/25-10)

14 (Section scheduled to be repealed on January 1, 2010)

15 Sec. 25-10. School license; requirements; application.

16 (a) Only schools approved by the Board and the Department
17 ~~EDRE~~ may provide approved continuing education.

18 (b) Schools seeking to be approved as continuing education
19 schools shall provide satisfactory proof of the following:

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

22 (2) a sufficient number of qualified instructors;

23 (3) adequate support personnel to assist with
24 administrative matters and technical assistance;

25 (4) a written policy dealing with procedures for the

1 management of grievances and fee refunds;

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

5 (6) any other requirements as provided by rule.

6 (c) All schools shall provide each successful course
7 participants with a certificate of completion signed by the
8 school administrator containing the following information:

9 (1) the name, address, and license number of the
10 school;

11 (2) the name, address, ~~social security number,~~ and
12 license number of the successful participant;

13 (3) the name of the course, which describes the subject
14 matter thereof;

15 (4) the number of approved credit hours and whether the
16 course is from the mandatory or elective category;

17 (5) the date the course was completed; and

18 (6) other information as required and provided by rule.

19 (d) All schools shall provide to the Department ~~OBRE~~ a
20 monthly roster of all successful participants containing:

21 (1) the name, address, and license number of the
22 school;

23 (2) the name, address, ~~social security,~~ and license
24 number of the successful participants;

25 (3) the name of the course, which describes the subject
26 matter thereof, and the license number of the course;

1 (4) the number of approved credit hours and whether the
2 course is from the mandatory or elective category;

3 (5) the date the course was completed; and

4 (6) other information as required and in a format as
5 provided by rule.

6 (e) All schools shall make application to the Department
7 ~~OBRE~~ on forms provided by the Department ~~OBRE~~ and pay the
8 appropriate fee for a school license. A school license shall
9 expire on December 31 of each odd numbered year. A school shall
10 make application to the Department ~~OBRE~~ on forms provided by
11 the Department ~~OBRE~~ and pay the appropriate fee as provided by
12 rule for a renewal license.

13 (f) A school license may be disciplined as provided by
14 rule.

15 (Source: P.A. 91-603, eff. 1-1-00.)

16 (225 ILCS 407/25-15)

17 (Section scheduled to be repealed on January 1, 2010)

18 Sec. 25-15. Course approval; license. A school may submit
19 courses for approval by the Advisory Board and the Department
20 ~~OBRE~~. The criteria and information for course approval shall be
21 established by rule. For each course that is approved as a
22 continuing education course, the Department ~~OBRE~~ shall issue a
23 license to the school for the course. Approved course licenses
24 shall expire on December 31 of odd number years along with the
25 school license.

1 (Source: P.A. 91-603, eff. 1-1-00.)

2 (225 ILCS 407/30-5)

3 (Section scheduled to be repealed on January 1, 2010)

4 Sec. 30-5. The Department ~~OBRE~~; powers and duties. The
5 Department ~~OBRE~~ shall exercise the powers and duties prescribed
6 by the Civil Administrative Code of Illinois for the
7 administration of licensing acts and shall exercise such other
8 powers and duties as prescribed by this Act. The Department
9 ~~OBRE~~ may contract with third parties for services necessary for
10 the proper administration of this Act.

11 (Source: P.A. 91-603, eff. 1-1-00.)

12 (225 ILCS 407/30-10)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 30-10. Rules. The Department ~~OBRE~~, after notifying and
15 considering the recommendations of the Advisory Board, if any,
16 shall adopt any rules that may be necessary for the
17 administration, implementation and enforcement of this Act.

18 (Source: P.A. 91-603, eff. 1-1-00.)

19 (225 ILCS 407/30-15)

20 (Section scheduled to be repealed on January 1, 2010)

21 Sec. 30-15. Auction Regulation Administration Fund. A
22 special fund to be known as the Auction Regulation
23 Administration Fund is created in the State Treasury. All fees

1 received by the Department ~~OBRE~~ under this Act shall be
2 deposited into the Auction Regulation Administration Fund.
3 Subject to appropriation, the moneys deposited into the Auction
4 Regulation Administration Fund shall be used by the Department
5 ~~OBRE~~ for the administration of this Act. Moneys in the Auction
6 Regulation Administration Fund may be invested and reinvested
7 in the same manner as authorized for pension funds in Article
8 14 of the Illinois Pension Code. All earnings, interest, and
9 dividends received from investment of funds in the Auction
10 Regulation Administration Fund shall be deposited into the
11 Auction Regulation Administration Fund and shall be used for
12 the same purposes as other moneys deposited in the Auction
13 Regulation Administration Fund.

14 This fund shall be created on July 1, 1999. The State
15 Treasurer shall cause a transfer of \$300,000 to the Auction
16 Regulation Administration Fund from the Real Estate License
17 Administration Fund on August 1, 1999. The State Treasurer
18 shall cause a transfer of \$200,000 on August 1, 2000 and a
19 transfer of \$100,000 on January 1, 2002 from the Auction
20 Regulation Administration Fund to the Real Estate License
21 Administration Fund, or if there is a sufficient fund balance
22 in the Auction Regulation Administration Fund to properly
23 administer this Act, the Department ~~OBRE~~ may recommend to the
24 State Treasurer to cause a transfer from the Auction Regulation
25 Administration Fund to the Real Estate License Administration
26 Fund on a date and in an amount which is accelerated, but not

1 less than set forth in this Section. In addition to the license
2 fees required under this Act, each initial applicant for
3 licensure under this Act shall pay to the Department ~~OBRE~~ an
4 additional \$100 for deposit into the Auction Regulation
5 Administration Fund for a period of 2 years or until such time
6 the original transfer amount to the Auction Regulation
7 Administration Fund from the Real Estate License
8 Administration Fund is repaid.

9 Moneys in the Auction Regulation Administration Fund may be
10 transferred to the Professions Indirect Cost Fund, as
11 authorized under Section 2105-300 of the Department of
12 Professional Regulation Law of the Civil Administrative Code of
13 Illinois.

14 Upon completion of any audit of the Department ~~OBRE~~ as
15 prescribed by the Illinois State Auditing Act, which includes
16 an audit of the Auction Regulation Administration Fund, the
17 Department ~~OBRE~~ shall make the audit open to inspection by any
18 interested party.

19 (Source: P.A. 94-91, eff. 7-1-05.)

20 (225 ILCS 407/30-20)

21 (Section scheduled to be repealed on January 1, 2010)

22 Sec. 30-20. Auction Recovery Fund. A special fund to be
23 known as the Auction Recovery Fund is created in the State
24 Treasury. The moneys in the Auction Recovery Fund shall be used
25 by the Department ~~OBRE~~ exclusively for carrying out the

1 purposes established pursuant to the provisions of Section
2 30-35 of this Act.

3 The sums received by the Department ~~OBRE~~ pursuant to the
4 provisions of Sections 20-5 through Sections 20-20 of this Act
5 shall be deposited into the State Treasury and held in the
6 Auction Recovery Fund. In addition to the license fees required
7 under this Act, each initial and renewal applicant shall pay to
8 the Department ~~OBRE~~ an additional \$25 for deposit into the
9 Auction Recovery Fund for a period of 2 years after the
10 effective date of this Act. After such time the Auction
11 Regulation Administration Fund has totally repaid the Real
12 Estate License Administration Fund, the State Treasurer shall
13 cause a transfer of \$50,000 from the Auction Regulation
14 Administration Fund to the Auction Recovery Fund annually on
15 January 1 so as to sustain a minimum balance of \$400,000 in the
16 Auction Recovery Fund. If the fund balance in the Auction
17 Recovery Fund on January 1 of any year after 2002 is less than
18 \$100,000, in addition to the renewal license fee required under
19 this Act, each renewal applicant shall pay the Department ~~OBRE~~
20 an additional \$25 fee for deposit into the Auction Recovery
21 Fund.

22 The funds held in the Auction Recovery Fund may be invested
23 and reinvested in the same manner as funds in the Auction
24 Regulation Administration Fund. All earnings received from
25 investment may be deposited into the Auction Recovery Fund and
26 may be used for the same purposes as other moneys deposited

1 into the Auction Recovery Fund or may be deposited into the
2 Auction Education Fund as provided in Section 30-25 of this Act
3 and as established by rule.

4 (Source: P.A. 91-603, eff. 1-1-00.)

5 (225 ILCS 407/30-25)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 30-25. Auction Education Fund. A special fund to be
8 known as the Auction Education Fund is created in the State
9 Treasury. The Auction Education Fund shall be administered by
10 the Department ~~OPRE~~. Subject to appropriation, moneys
11 deposited into the Auction Education Fund may be used for the
12 advancement of education in the auction industry, as
13 established by rule. The moneys deposited in the Auction
14 Education Fund may be invested and reinvested in the same
15 manner as funds in the Auction Regulation Administration Fund.
16 All earnings received from investment shall be deposited into
17 the Auction Education Fund and may be used for the same
18 purposes as other moneys deposited into the Auction Education
19 Fund.

20 (Source: P.A. 91-603, eff. 1-1-00.)

21 (225 ILCS 407/30-30)

22 (Section scheduled to be repealed on January 1, 2010)

23 Sec. 30-30. Auction Advisory Board.

24 (a) There is hereby created the Auction Advisory Board. The

1 Advisory Board shall consist of 7 members and shall be
2 appointed by the Secretary ~~Commissioner~~. In making the
3 appointments, the Secretary ~~Commissioner~~ shall give due
4 consideration to the recommendations by members and
5 organizations of the industry, including but not limited to the
6 Illinois State Auctioneers Association. Five ~~Four~~ members of
7 the Advisory Board shall be licensed auctioneers, except that
8 for the initial appointments, these members may be persons
9 without a license, but who have been auctioneers for at least 5
10 years preceding their appointment to the Advisory Board. One
11 member shall be a public member who represents the interests of
12 consumers and who is not licensed under this Act or the spouse
13 of a person licensed under this Act or who has any
14 responsibility for management or formation of policy of or any
15 financial interest in the auctioneering profession or any other
16 connection with the profession. One member shall be actively
17 engaged in the real estate industry and licensed as a broker or
18 salesperson. The Advisory Board shall annually elect one of its
19 members to serve as Chairperson ~~One member shall be the~~
20 ~~Director of Auction Regulation, ex-officio, and shall serve as~~
21 ~~the Chairperson of the Advisory Board.~~

22 (b) Members shall be appointed for a term of 4 years,
23 except that of the initial appointments, 3 members shall be
24 appointed to serve a term of 3 years and 4 members shall be
25 appointed to serve a term of 4 years, ~~including the Director.~~
26 The Secretary ~~Commissioner~~ shall fill a vacancy for the

1 remainder of any unexpired term. Each member shall serve on the
2 Advisory Board until his or her successor is appointed and
3 qualified. No person shall be appointed to serve more than 2
4 terms, including the unexpired portion of a term due to
5 vacancy. To the extent practicable, the Secretary ~~Commissioner~~
6 shall appoint members to insure that the various geographic
7 regions of the State are properly represented on the Advisory
8 Board.

9 (c) A majority of the Advisory Board members currently
10 appointed shall constitute a quorum. A vacancy in the
11 membership of the Advisory Board shall not impair the right of
12 a quorum to exercise all of the rights and perform all the
13 duties of the Board.

14 (d) Each member of the Advisory Board shall receive a per
15 diem stipend in an amount to be determined by the Secretary
16 ~~Commissioner~~. Each member shall be paid his or her necessary
17 expenses while engaged in the performance of his or her duties.

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

21 (f) The Advisory Board shall meet monthly or as convened by
22 the Chairperson.

23 (g) The Advisory Board shall advise the Department ~~OBRE~~ on
24 matters of licensing and education and make recommendations to
25 the Department ~~OBRE~~ on those matters and shall hear and make
26 recommendations to the Secretary ~~Commissioner~~ on disciplinary

1 matters that require a formal evidentiary hearing.

2 (h) The Secretary ~~Commissioner~~ shall give due
3 consideration to all recommendations of the Advisory Board.

4 (Source: P.A. 91-603, eff. 1-1-00.)

5 (225 ILCS 407/30-40)

6 (Section scheduled to be repealed on January 1, 2010)

7 Sec. 30-40. Auction Recovery Fund; recovery; actions;
8 procedures. The Department ~~OBPE~~ shall maintain an Auction
9 Recovery Fund from which any person aggrieved by an act,
10 representation, transaction, or the conduct of a duly licensed
11 auctioneer, associate auctioneer or auction firm that
12 constitutes a violation of this Act or the regulations
13 promulgated pursuant thereto or that constitutes embezzlement
14 of money or property or results in money or property being
15 unlawfully obtained from any person by false pretenses,
16 artifice, trickery, or forgery or by reason of any fraud,
17 misrepresentation, discrimination or deceit by or on the part
18 of any licensee or the unlicensed employee of any auctioneer,
19 associate auctioneer, or auction firm and that results in a
20 loss of actual cash money as opposed to losses in market value,
21 may recover. The aggrieved person may recover, by order of the
22 circuit court of the county where the violation occurred, an
23 amount of not more than \$10,000 from the fund for damages
24 sustained by the act, representation, transaction, or conduct,
25 together with the costs of suit and attorneys' fees incurred in

1 connection therewith of not to exceed 15% of the amount of the
2 recovery ordered paid from the Fund. However, no licensed
3 auctioneer, associate auctioneer, or auction firm may recover
4 from the Fund, unless the court finds that the person suffered
5 a loss resulting from intentional misconduct. The court order
6 shall not include interest on the judgment.

7 The maximum liability against the Fund arising out of any
8 one act by any auctioneer, associate auctioneer, or auction
9 firm shall be \$50,000, and the judgment order shall spread the
10 award equitably among all aggrieved persons.

11 (Source: P.A. 91-603, eff. 8-16-99.)

12 (225 ILCS 407/30-45)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 30-45. Auction Recovery Fund; collection.

15 (a) No action for a judgment that subsequently results in
16 an order for collection from the Auction Recovery Fund shall be
17 started later than 2 years after the date on which the
18 aggrieved person knew or, through the use of reasonable
19 diligence, should have known of the acts or omissions giving
20 rise to a right of recovery from the Auction Recovery Fund.

21 (b) When any aggrieved person commences action for a
22 judgment that may result in collection from the Auction
23 Recovery Fund, the aggrieved person must name as parties to
24 that action any and all individual auctioneers, associate
25 auctioneers, auction firms, or their employees or agents who

1 allegedly committed or are responsible for acts or omissions
2 giving rise to a right of recovery from the Auction Recovery
3 Fund. Failure to name these individuals as parties shall
4 preclude recovery from the Auction Recovery Fund of any portion
5 of the judgment received in the action.

6 (c) When any aggrieved person commences action for a
7 judgment that may result in collection from the Auction
8 Recovery Fund, the aggrieved person must notify the Department
9 ~~OBRE~~ in writing to this effect at the time of the commencement
10 of the action. Failure to so notify the Department ~~OBRE~~ shall
11 preclude recovery from the Auction Recovery Fund of any portion
12 of the judgment received in the action. After receiving notice
13 of the commencement of such an action, the Department ~~OBRE~~,
14 upon timely application, shall be permitted to intervene as a
15 party to that action.

16 (d) When an aggrieved party commences action for a judgment
17 that may result in collection from the Auction Recovery Fund
18 and the court in which the action is commenced enters judgment
19 by default against the defendant and in favor of the aggrieved
20 party, the court shall, upon motion of the Department ~~OBRE~~, set
21 aside that judgment by default. After a judgment by default has
22 been set aside, the Department ~~OBRE~~ shall appear as a party to
23 that action and thereafter the court shall require proof of the
24 allegations in the pleading upon which relief is sought.

25 (e) The aggrieved person shall give written notice to the
26 Department ~~OBRE~~ within 30 days after the entry of any judgment

1 that may result in collection from the Auction Recovery Fund.
2 That aggrieved person shall provide the Department ~~OBRE~~ 20 days
3 written notice of all supplementary proceeding so as to allow
4 the Department ~~OBRE~~ to participate in all efforts to collect on
5 the judgment.

6 (f) When any aggrieved person recovers a valid judgment in
7 any court of competent jurisdiction against any licensee or an
8 unlicensed employee or agent of any licensee on the grounds of
9 fraud, misrepresentation, discrimination, or deceit, the
10 aggrieved person may, upon the termination of all proceedings,
11 including review and appeals in connection with the judgment,
12 file a verified claim in the court in which the judgment was
13 entered and, upon 30 days written notice to the Department ~~OBRE~~
14 and to the person against whom the judgment was obtained, may
15 apply to the court for an order directing payment out of the
16 Auction Recovery Fund of the amount unpaid upon the judgment,
17 not including interest on the judgment, and subject to the
18 limitation stated in Section 30-40 of this Act. The aggrieved
19 person must set out in that verified claim and at an
20 evidentiary hearing to be held by the court that the aggrieved
21 person:

22 (1) is not the spouse of the debtor or the personal
23 representative of the spouse;

24 (2) has complied with all the requirements of this
25 Section;

26 (3) has obtained a judgment stating the amount thereof

1 and the amount owing thereon, not including interest
2 thereon, at the date of the application;

3 (4) has made all reasonable searches and inquiries to
4 ascertain whether the judgment debtor possesses real or
5 personal property or other assets which may be sold or
6 applied in satisfaction of the judgment;

7 (5) has discovered no personal or real property or
8 other assets liable to be sold or applied, or has
9 discovered certain of them, describing them owned by the
10 judgment debtor and liable to be so applied, and has taken
11 all necessary action and proceeding for the realization
12 thereof, and the amount thereby realized was insufficient
13 to satisfy the judgment, stating the amount so realized and
14 the balance remaining due on the judgment after application
15 of the amount realized;

16 (6) has diligently pursued all remedies against all the
17 judgment debtors and all other persons liable to the
18 aggrieved person in the transaction for which recovery is
19 sought from the Auction Recovery Fund;

20 (7) has filed an adversary action to have the debts
21 declared non-dischargeable in any bankruptcy petition
22 matter filed by any judgment debtor or person liable to the
23 aggrieved person. The aggrieved person shall also be
24 required to prove the amount of attorney's fees sought to
25 be recovered and the reasonableness of those fees up to the
26 maximum allowed pursuant to Section 30-40 of this Act.

1 (g) The court shall make an order directed to the
2 Department ~~OBRE~~ requiring payment from the Auction Recovery
3 Fund of whatever sum it finds to be payable upon the claim,
4 pursuant to and in accordance with the limitations contained in
5 Section 30-40 of this Act, if the court is satisfied, upon the
6 hearing, of the truth of all matters required to be shown by
7 the aggrieved person by subsection (f) of this Section and that
8 the aggrieved person has fully pursued and exhausted all
9 remedies available for recovering the amount awarded by the
10 judgment of the court.

11 (h) If the Department ~~OBRE~~ pays from the Auction Recovery
12 Fund any amount in settlement of a claim or toward satisfaction
13 of a judgment against any licensee, or employee or agent of any
14 licensee, the license of said licensee shall be automatically
15 terminated without hearing upon the issuance of a court order
16 authorizing payment from the Auction Recovery Fund. No petition
17 for restoration of the license shall be heard until repayment
18 of the amount paid from the Auction Recovery Fund on their
19 account has been made in full, plus interest at the rate
20 prescribed in Section 12-109 of the Code of Civil Procedure. A
21 discharge in bankruptcy shall not relieve a person from the
22 penalties and disabilities provided in this subsection.

23 (i) If, at any time, the money deposited in the Auction
24 Recovery Fund is insufficient to satisfy any duly authorized
25 claim or portion thereof, the Department ~~OBRE~~ shall, when
26 sufficient money has been deposited in the Auction Recovery

1 Fund, satisfy such unpaid claims or portions thereof, in the
2 order that the claims or portions thereof were originally
3 filed, plus accumulated interest at the rate prescribed in
4 Section 12-109 of the Code of Civil Procedure.

5 (Source: P.A. 91-603, eff. 1-1-00.)

6 (225 ILCS 407/30-50)

7 (Section scheduled to be repealed on January 1, 2010)

8 Sec. 30-50. Contractual agreements. The Department ~~OBPE~~
9 may enter into contractual agreements with third parties to
10 carry out the provisions of this Act.

11 (Source: P.A. 91-603, eff. 1-1-00.)

12 (225 ILCS 407/30-55)

13 (Section scheduled to be repealed on January 1, 2010)

14 Sec. 30-55. Reciprocal agreements. The Department ~~OBPE~~
15 shall have the authority to enter into reciprocal licensing
16 agreements with the proper authority of a state, territory, or
17 possession of the United States or the District of Columbia
18 having licensing requirements equal to or substantially
19 equivalent to the requirements of this State.

20 (Source: P.A. 91-603, eff. 1-1-00.)

21 (225 ILCS 407/10-25 rep.)

22 (225 ILCS 407/30-35 rep.)

23 Section 10. The Auction License Act is amended by repealing

1 Sections 10-25 and 30-35."