



Sen. Don Harmon

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LRB095 04356 RAS 36457 a

1 AMENDMENT TO HOUSE BILL 1406

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1406 by replacing  
3 everything after the enacting clause with the following:

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

11 (225 ILCS 407/5-10)

12 (Section scheduled to be repealed on January 1, 2010)

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

14 "Advertisement" means any written, oral, or electronic  
15 communication that contains a promotion, inducement, or offer  
16 to conduct an auction or offer to provide an auction service,

1 including but not limited to brochures, pamphlets, radio and  
2 television scripts, telephone and direct mail solicitations,  
3 electronic media, and other means of promotion.

4 "Advisory Board" means the Auctioneer Advisory Board.

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

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

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

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

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

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

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

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

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

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

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

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

22 "Managing auctioneer" means any person licensed as an  
23 auctioneer who manages and supervises licensees sponsored by an  
24 auction firm or auctioneer.

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

26 "Person" means an individual, association, partnership,

1 corporation, or limited liability company or the officers,  
2 directors, or employees of the same.

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

5 "Secretary" means the Secretary of the Department of  
6 Financial and Professional Regulation or his or her designee.

7 "Sponsoring auctioneer" means the auctioneer or auction  
8 firm who has issued a sponsor card to a licensed associate  
9 auctioneer or auctioneer.

10 "Sponsor card" means the temporary permit issued by the  
11 sponsoring auctioneer certifying that the licensee named  
12 thereon is employed by or associated with the sponsoring  
13 auctioneer and the sponsoring auctioneer shall be responsible  
14 for the actions of the sponsored licensee.

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

16 (225 ILCS 407/10-1)

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

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

19 (a) It is unlawful for any person, corporation, limited  
20 liability company, partnership, or other entity to conduct an  
21 auction, provide an auction service, hold himself or herself  
22 out as an auctioneer, or advertise his or her services as an  
23 auctioneer in the State of Illinois without a license issued by  
24 the Department ~~OBRE~~ under this Act, except at:

25 (1) an auction conducted solely by or for a

1 not-for-profit organization for charitable purposes;

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

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

8 (4) an auction conducted by a business registered as a  
9 market agency under the federal Packers and Stockyards Act  
10 (7 U.S.C. 181 et seq.) or under the Livestock Auction  
11 Market Law;

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

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

18 (b) Nothing in this Act shall be construed to apply to a  
19 new or used vehicle dealer or a vehicle auctioneer licensed by  
20 the Secretary of State of Illinois, or to any employee of the  
21 licensee, who is a resident of the State of Illinois, while the  
22 employee is acting in the regular scope of his or her  
23 employment for the licensee while conducting an auction that is  
24 not open to the public, provided that only new or used vehicle  
25 dealers, rebuilders, automotive parts recyclers, scrap  
26 processors, or out-of-state salvage vehicle buyers licensed by

1 the Secretary of State or licensed by another jurisdiction may  
2 buy property at the auction, or to sales by or through the  
3 licensee.

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

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

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

12 (225 ILCS 407/10-5)

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

14 Sec. 10-5. Requirements for auctioneer license;  
15 application. Every person who desires to obtain an auctioneer  
16 license under this Act shall:

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

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

20 (3) have attained a high school diploma or successfully  
21 completed an equivalent course of study determined by an  
22 examination conducted by the Illinois State Board of  
23 Education;

24 (4) ~~personally take and~~ pass a written examination  
25 authorized by the Department ~~OBRE~~ to prove competence,

1 including but not limited to general knowledge of Illinois  
2 and federal laws pertaining to personal property  
3 contracts, auctions, real property, ~~relevant provisions of~~  
4 ~~Article 4 of the Uniform Commercial Code,~~ ethics, and other  
5 topics relating to the auction business; and

6 (5) submit to the Department ~~OBRE~~ a properly completed  
7 45-Day Permit Sponsor Card on forms provided by the  
8 Department ~~OBRE~~.

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

10 (225 ILCS 407/10-15)

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

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

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

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

18 (3) have attained a high school diploma or successfully  
19 completed an equivalent course of study determined by an  
20 examination conducted by the Illinois State Board of  
21 Education;

22 (4) ~~personally take and~~ pass a written examination  
23 authorized by the Department ~~OBRE~~ to prove competence,  
24 including but not limited to general knowledge of Illinois  
25 and federal laws pertaining to personal property

1 contracts, auctions, real property, ~~relevant provisions of~~  
2 ~~Article 4 of the Uniform Commercial Code~~, ethics, and other  
3 topics relating to the auction business; and

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

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

8 (225 ILCS 407/10-20)

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

10 Sec. 10-20. Requirements for auction firm license;  
11 application. Any corporation, limited liability company, or  
12 partnership who desires to obtain an auction firm license  
13 shall:

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

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

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

19 (225 ILCS 407/10-27)

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

21 Sec. 10-27. Registration of Internet Auction Listing  
22 Service.

23 (a) For the purposes of this Section:

24 (1) "Internet Auction Listing Service" means a website



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

10 (2) "Interactive computer service" means any  
11 information service, system, or access software provider  
12 that provides or enables computer access by multiple users  
13 to a computer server, including specifically a service or  
14 system that provides access to the Internet.

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

20 (1) the person, corporation, limited liability  
21 company, partnership, or other entity providing the  
22 Internet auction listing service is located in the State of  
23 Illinois;

24 (2) the prospective seller or seller, prospective  
25 lessor or lessor, or prospective purchaser or purchaser is  
26 located in the State of Illinois and is required to agree

1 to terms with the person, corporation, limited liability  
2 company, partnership, or other entity providing the  
3 Internet auction listing service, no matter where that  
4 person, corporation, limited liability company,  
5 partnership, or other entity is located; or

6 (3) the personal property or services offered for sale  
7 or lease are located or will be provided in the State of  
8 Illinois.

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

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

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

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

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

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

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

21 (7) that the registrant will comply with the Department  
22 ~~OBRE~~ and law enforcement requests for stored data in its  
23 possession, subject to the requirements of applicable law.

24 (d) The Department ~~OBRE~~ may refuse to accept a registration  
25 which is incomplete or not accompanied by the required fee. The  
26 Department ~~OBRE~~ may impose a civil penalty not to exceed

1 \$10,000 upon any Internet auction listing service that  
2 intentionally fails to register as required by this Section,  
3 and may impose such penalty or revoke, suspend, or place on  
4 probation or administrative supervision the registration of  
5 any Internet auction listing service that:

6 (1) intentionally makes a false or fraudulent material  
7 representation or material misstatement or  
8 misrepresentation to the Department ~~OBRE~~ in connection  
9 with its registration, including in the certification  
10 required under subsection (c);

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

17 (3) is adjudged to be a person under legal disability  
18 or subject to involuntary admission or to meet the standard  
19 for judicial admission as provided in the Mental Health and  
20 Developmental Disabilities Code;

21 (4) has been subject to discipline by another state,  
22 the District of Columbia, a territory of the United States,  
23 a foreign nation, a governmental agency, or any other  
24 entity authorized to impose discipline if at least one of  
25 the grounds for that discipline is the same as or  
26 equivalent to one of the grounds for discipline set forth

1 in this Section or for failing to report to the Department  
2 ~~OBRE~~, within 30 days, any adverse final action taken  
3 against the registrant by any other licensing or  
4 registering jurisdiction, government agency, law  
5 enforcement agency, or court, or liability for conduct that  
6 would constitute grounds for action as set forth in this  
7 Section;

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

12 (6) makes or files false records or reports in  
13 connection with activities subject to registration,  
14 including but not limited to false records or reports filed  
15 with State agencies;

16 (7) fails to provide information within 30 days in  
17 response to a written request made by the Department ~~OBRE~~  
18 to a person designated in the registration for receipt of  
19 such requests; or

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

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

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

11 (g) The provisions of Sections 20-25, 20-30, 20-35, 20-40,  
12 20-45, 20-50, 20-55, 20-60 and 20-75 of this Act shall apply to  
13 any actions of the Department ~~OBRE~~ exercising its authority  
14 under subsection (d) as if a person required to register under  
15 this Section were a person holding or claiming to hold a  
16 license under this Act.

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

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

21 (225 ILCS 407/10-30)

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

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

24 (a) License expiration dates, renewal periods, renewal  
25 fees, and procedures for renewal of licenses issued under this

1 Act shall be set by rule of the Department. An entity may renew  
2 its license by paying the required fee and by meeting the  
3 renewal requirements adopted by the Department under this  
4 Section. ~~A license issued under this Act shall expire every 2~~  
5 ~~years beginning on September 30, 2001. The OBRE shall issue a~~  
6 ~~renewal license without examination to an applicant upon~~  
7 ~~submission of a completed renewal application and payment of~~  
8 ~~the required fee.~~

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

26 ~~(1) has complied with the continuing education~~

1 ~~requirements; or~~

2 ~~(2) is exempt from the continuing education~~  
3 ~~requirements because it is his or her first renewal and he~~  
4 ~~or she was initially licensed as an auctioneer or associate~~  
5 ~~auctioneer during the pre renewal period prior to the~~  
6 ~~expiration date.~~

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

15 (d) (Blank). The Commissioner, with the recommendation of  
16 the Advisory Board, may grant a renewal applicant a waiver from  
17 all or part of the continuing education requirements for the  
18 pre renewal period if the applicant was not able to fulfill the  
19 requirements as a result of the following conditions:

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

22 ~~(2) Service as an elected State or federal official.~~

23 ~~(3) Service as a full-time employee of the OBRE.~~

24 ~~(4) Other extreme circumstances as recommended by the~~  
25 ~~Advisory Board.~~

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



1 (225 ILCS 407/10-35)

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

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

5 (a) No auctioneer or associate auctioneer shall conduct an  
6 auction or provide an auction service without being properly  
7 sponsored by a licensed auctioneer or auction firm.

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

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

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

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

18           (f) The license of any auctioneer or associate auctioneer  
19 whose association with a sponsoring auctioneer or sponsoring  
20 auction firm has terminated shall automatically become  
21 inoperative immediately upon such termination, unless the  
22 terminated licensee accepts employment or becomes associated  
23 with a new sponsoring auctioneer or sponsoring auction firm  
24 pursuant to subsection (g) of this Section. An inoperative  
25 licensee under this Act shall not conduct an auction or provide  
26 auction services while the license is in inoperative status.

1 (g) When a terminated or inoperative auctioneer or  
2 associate auctioneer accepts employment or becomes associated  
3 with a new sponsoring auctioneer or sponsoring auction firm,  
4 the new sponsoring auctioneer or sponsoring auction firm shall  
5 send to the Department ~~OBRE~~ a properly completed 45-day permit  
6 sponsor card, the terminated license, and the appropriate fee.  
7 (Source: P.A. 91-603, eff. 1-1-00.)

8 (225 ILCS 407/10-40)

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

10 Sec. 10-40. Restoration.

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

20 (b) Notwithstanding any other provisions of this Act to the  
21 contrary, any licensee whose license under this Act has expired  
22 is eligible to restore such license without paying any lapsed  
23 fees and penalties provided that the license expired while the  
24 licensee was:

25 (1) on active duty with the United States Army, United

1        States ~~State~~ Marine Corps, United States Navy, United  
2        States Air Force, United States Coast Guard, the State  
3        Militia called into service or training;

4            (2) engaged in training or education under the  
5        supervision of the United States prior to induction into  
6        military service; or

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

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

18            (c) At any time after the suspension, revocation, placement  
19        on probationary status, or other disciplinary action taken  
20        under this Act with reference to any license, the Department  
21        ~~OBRE~~ may restore the license to the licensee without  
22        examination upon the order of the Secretary ~~Commissioner~~, if  
23        the licensee submits a properly completed application and  
24        45-day permit sponsor card, pays appropriate fees, and  
25        otherwise complies with the conditions of the order.

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

1 (225 ILCS 407/10-45)

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

3 Sec. 10-45. Nonresident auctioneer reciprocity.

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

11 (1) that the Department ~~OBRE~~ has entered into a valid  
12 reciprocal agreement with the proper authority of the  
13 state, territory, or possession of the United States of  
14 America or the District of Columbia from which the  
15 nonresident applicant has a valid license;

16 (2) that the applicant provides the Department ~~OBRE~~  
17 with a certificate of good standing from the applicant's  
18 resident state;

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

21 (4) that the applicant pays all applicable fees  
22 required under this Act.

23 (b) A nonresident applicant shall file an irrevocable  
24 consent with the Department ~~OBRE~~ that actions may be commenced  
25 against the applicant or nonresident licensee in a court of

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

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

15 (225 ILCS 407/10-50)

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

17 Sec. 10-50. Fees. Fees shall be determined by rule and  
18 shall be non-refundable. ~~The OBRE shall provide by~~  
19 ~~administrative rule for fees to be paid by applicants,~~  
20 ~~licensees, and schools to cover the reasonable costs of the~~  
21 ~~OBRE in administering and enforcing the provisions of this Act.~~  
22 The Department OBRE shall provide by administrative rule for  
23 fees to be collected from licensees and applicants to cover the  
24 statutory requirements for funding the Auctioneer Recovery  
25 Fund. The Department OBRE may also provide by administrative

1 rule for general fees to cover the reasonable expenses of  
2 carrying out other functions and responsibilities under this  
3 Act.

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

5 (225 ILCS 407/20-5)

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

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

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

19 (b) The Department ~~OBRE~~ has the authority and power to  
20 investigate any and all unlicensed activity pursuant to this  
21 Act.

22 (c) The civil penalty fine shall be paid within 60 days  
23 after the effective date of the order imposing the civil  
24 penalty fine. The order shall constitute a judgment ~~judgement~~  
25 and may be filed and execution had thereon in the same manner

1 from any court of record.

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

12 Upon the filing of a verified petition in a circuit court,  
13 the court, if satisfied by affidavit or otherwise that the  
14 person or entity has been engaged in the practice of auctioning  
15 without a valid and current license, may enter a temporary  
16 restraining order without notice or bond enjoining the  
17 defendant from further practice. Only the showing of  
18 non-licensure, by affidavit or otherwise, is necessary in order  
19 for a temporary injunction to be issued. A copy of the verified  
20 complaint shall be served upon the defendant and the  
21 proceedings shall thereafter be conducted as in other civil  
22 cases except as modified by this Section. If it is established  
23 that the defendant has been or is engaged in unlawful practice,  
24 the court may enter an order or judgment perpetually enjoining  
25 the defendant from further practice. In all proceedings  
26 hereunder, the court, in its discretion, may apportion the



1 costs among the parties interested in the action, including  
2 cost of filing the complaint, service of process, witness fees  
3 and expenses, court reporter charges, and reasonable  
4 attorneys' fees. In case of violation of any injunctive order  
5 entered under the provisions of this Section, the court may  
6 summarily try and punish the offender for contempt of court.  
7 These injunction proceedings shall be in addition to, and not  
8 in lieu of, all penalties and other remedies provided in this  
9 Act.

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

11 (225 ILCS 407/20-15)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24          (13) Commingling funds of others with his or her own  
25          funds or failing to keep the funds of others in an escrow  
26          or trustee account.

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

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

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

20           (17) Making or filing false records or reports in his  
21 or her practice, including but not limited to false records  
22 or reports filed with State agencies.

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

26           (19) Failing to provide information within 30 days in

1 response to a written request made by the Department ~~ODPE~~.

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

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

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

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

15 (24) Physical illness, mental illness, or other  
16 impairment including without limitation deterioration  
17 through the aging process, mental illness, or disability  
18 that results in the inability to practice the profession  
19 with reasonable judgment, skill, and safety.

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

23 (26) Being named as a perpetrator in an indicated  
24 report by the Department of Children and Family Services  
25 under the Abused and Neglected Child Reporting Act and upon  
26 proof by clear and convincing evidence that the licensee

1       has caused a child to be an abused child or a neglected  
2       child as defined in the Abused and Neglected Child  
3       Reporting Act.

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

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

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

24       If the Department or Board finds an individual unable to  
25       practice because of the reasons set forth in this Section, the  
26       Department or Board may require that individual to submit to

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

23 An individual licensed under this Act and affected under  
24 this Section shall be afforded an opportunity to demonstrate to  
25 the Department or Board that he or she can resume practice in  
26 compliance with acceptable and prevailing standards under the

1 provisions of his or her license.

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

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

23 (225 ILCS 407/20-20)

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

25 Sec. 20-20. Termination without hearing for failure to pay



1 taxes, child support, or a student loan. The Department ~~OBRE~~  
2 may terminate or otherwise discipline any license issued under  
3 this Act without hearing if the appropriate administering  
4 agency provides adequate information and proof that the  
5 licensee has:

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

11 (2) failed to pay any court ordered child support as  
12 determined by a court order or by referral from the  
13 Department of Healthcare and Family Services (formerly  
14 Illinois Department of Public Aid); or

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

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

22 (225 ILCS 407/20-25)

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

24 Sec. 20-25. Investigation. The Department ~~OBRE~~ may  
25 investigate the actions or qualifications of any person or

1 persons holding or claiming to hold a license under this Act,  
2 ~~who shall hereinafter be called the respondent.~~

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

4 (225 ILCS 407/20-30)

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

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

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

17 (225 ILCS 407/20-35)

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

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

20 (a) The Department ~~OBRE~~ shall have the power to issue  
21 subpoenas ad testificandum (subpoena for documents) and to  
22 bring before it any persons and to take testimony, either  
23 orally or by deposition or both, with the same fees and mileage  
24 and in the same manner as prescribed in civil cases in the

1 courts of this State. The Department ~~OBRE~~ shall have the power  
2 to issue subpoenas duces tecum and to bring before it any  
3 documents, papers, files, books, and records with the same  
4 costs and in the same manner as prescribed in civil cases in  
5 the courts of this State.

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

12 (c) The Secretary ~~Commissioner~~ or his or her designee or  
13 the Board shall have power to administer oaths to witnesses at  
14 any hearing that the Department ~~OBRE~~ is authorized to conduct  
15 and any other oaths authorized in any Act administered by the  
16 Department ~~OBRE~~.

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

18 (225 ILCS 407/20-40)

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

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

21 (a) The Department ~~OBRE~~ shall have the authority to conduct  
22 hearings before the Advisory Board on proceedings to revoke,  
23 suspend, place on probation or administrative review,  
24 reprimand, or refuse to issue or renew any license under this  
25 Act or to impose a civil penalty not to exceed \$10,000 upon any

1 licensee under this Act.

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

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

14 (225 ILCS 407/20-45)

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

16 Sec. 20-45. Notice. The Department ~~OBRE~~ shall (i) notify  
17 the respondent in writing at least 30 days prior to the date  
18 set for the hearing of any charges made and the time and place  
19 for the hearing of the charges to be heard under oath and (ii)  
20 inform the respondent that, upon failure to file an answer  
21 before the date originally set for the hearing, default will be  
22 taken against the respondent and the respondent's license may  
23 be suspended, revoked, or otherwise disciplined as the  
24 Department ~~OBRE~~ may deem proper before taking any disciplinary  
25 action with regard to any license under this Act.

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

7           At the time and place fixed in the notice, the Department  
8 ~~DBRE~~ shall proceed to hearing of the charges and both the  
9 respondent and the complainant shall be accorded ample  
10 opportunity to present in person or by counsel such statements,  
11 testimony, evidence, and argument as may be pertinent to the  
12 charges or any defense thereto.

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

14           (225 ILCS 407/20-50)

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

16           Sec. 20-50. Board's findings of fact, conclusions of law,  
17 and recommendation to the Secretary ~~Commissioner~~. At the  
18 conclusion of the hearing, the Advisory Board shall present to  
19 the Secretary ~~Commissioner~~ a written report of its findings of  
20 facts, conclusions of law, and recommendations regarding  
21 discipline or a fine. The report shall contain a finding  
22 whether or not the accused person violated this Act or failed  
23 to comply with the conditions required in this Act. The  
24 Advisory Board shall specify the nature of the violation or  
25 failure to comply and shall make its recommendations to the

1 Secretary ~~Commissioner~~.

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

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

9 (225 ILCS 407/20-55)

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

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

19 If no motion for rehearing is filed, then upon the  
20 expiration of the time specified for filing a motion, or if a  
21 motion for rehearing is denied, then upon denial, the Secretary  
22 ~~Commissioner~~ may enter an order in accordance with the  
23 recommendations of the Advisory Board, except as provided for  
24 in this Act. If the respondent orders a transcript of the  
25 record from the reporting service and pays for it within the

1 time for filing a motion for rehearing, the 20 calendar day  
2 period within which a motion for rehearing may be filed shall  
3 commence upon the delivery of the transcript to the respondent.

4 Whenever the Secretary ~~Commissioner~~ is not satisfied that  
5 substantial justice has been done in the hearing or in the  
6 Advisory Board's report, the Secretary ~~Commissioner~~ may order a  
7 rehearing by the same.

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

9 (225 ILCS 407/20-60)

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

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

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

17 (2) the Secretary ~~Commissioner~~ is duly appointed and  
18 qualified; and

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

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

21 (225 ILCS 407/20-65)

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

23 Sec. 20-65. Restoration of license. At any time after the  
24 suspension or revocation of any license, the Department ~~OBRE~~

1 may restore the license to the accused person upon the written  
2 recommendation of the Advisory Board, unless after an  
3 investigation and a hearing the Advisory Board determines that  
4 restoration is not in the public interest.

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

6 (225 ILCS 407/20-70)

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

8 Sec. 20-70. Surrender of license. Upon the revocation or  
9 suspension of any license the licensee shall immediately  
10 surrender the license to the Department ~~OBRE~~. If the licensee  
11 fails to do so, the Department ~~OBRE~~ shall have the right to  
12 seize the license.

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

14 (225 ILCS 407/20-75)

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

16 Sec. 20-75. Administrative Review Law. All final  
17 administrative decisions of the Department ~~OBRE~~ are subject to  
18 judicial review under the Administrative Review Law and its  
19 rules. The term "administrative decision" is defined as in  
20 Section 3-101 of the Code of Civil Procedure.

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



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

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

14 (225 ILCS 407/20-80)

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

16 Sec. 20-80. Summary suspension. The Secretary ~~Commissioner~~  
17 may temporarily suspend any license pursuant to this Act,  
18 without hearing, simultaneously with the institution of  
19 proceedings for a hearing provided for in this Act, if the  
20 Secretary ~~Commissioner~~ finds that the evidence indicates that  
21 the public interest, safety, or welfare requires emergency  
22 action. In the event that the Secretary ~~Commissioner~~  
23 temporarily suspends any license without a hearing, a hearing  
24 shall be held within 30 calendar days after the suspension has  
25 begun. The suspended licensee may seek a continuance of the

1 hearing during which the suspension shall remain in effect. The  
2 proceeding shall be concluded without appreciable delay.

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

4 (225 ILCS 407/20-90)

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

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

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

12 (225 ILCS 407/20-95)

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

14 Sec. 20-95. Returned checks; fine. A person who delivers a  
15 check or other payment to the Department ~~OBRE~~ that is returned  
16 to the Department ~~OBRE~~ unpaid by the financial institution upon  
17 which it is drawn shall pay to the Department ~~OBRE~~, in addition  
18 to the amount already owed to the Department ~~OBRE~~, a fee of  
19 \$50. The Department ~~OBRE~~ shall notify the person that his or  
20 her check has been returned and that the person shall pay to  
21 the Department ~~OBRE~~ by certified check or money order the  
22 amount of the returned check plus the \$50 fee within 30  
23 calendar days after the date of the notification. If, after the  
24 expiration of 30 calendar days of the notification, the person

1 has failed to submit the necessary remittance, the Department  
2 ~~OBRE~~ shall automatically terminate the license or deny the  
3 application without a hearing. If, after termination or denial,  
4 the person seeks a license, he or she shall petition the  
5 Department ~~OBRE~~ for restoration and he or she may be subject to  
6 additional discipline or fines. The Secretary ~~Commissioner~~ may  
7 waive the fines due under this Section in individual cases  
8 where the Secretary ~~Commissioner~~ finds that the fines would be  
9 unreasonable or unnecessarily burdensome.

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

11 (225 ILCS 407/20-100 new)

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

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

17 (225 ILCS 407/30-5)

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

19 Sec. 30-5. The Department ~~OBRE~~; powers and duties. The  
20 Department ~~OBRE~~ shall exercise the powers and duties prescribed  
21 by the Civil Administrative Code of Illinois for the  
22 administration of licensing acts and shall exercise such other  
23 powers and duties as prescribed by this Act. The Department  
24 ~~OBRE~~ may contract with third parties for services necessary for

1 the proper administration of this Act.

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

3 (225 ILCS 407/30-10)

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

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

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

10 (225 ILCS 407/30-15)

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

12 Sec. 30-15. Auction Regulation Administration Fund. A  
13 special fund to be known as the Auction Regulation  
14 Administration Fund is created in the State Treasury. All fees  
15 received by the Department ~~OBRE~~ under this Act shall be  
16 deposited into the Auction Regulation Administration Fund.  
17 Subject to appropriation, the moneys deposited into the Auction  
18 Regulation Administration Fund shall be used by the Department  
19 ~~OBRE~~ for the administration of this Act. Moneys in the Auction  
20 Regulation Administration Fund may be invested and reinvested  
21 in the same manner as authorized for pension funds in Article  
22 14 of the Illinois Pension Code. All earnings, interest, and  
23 dividends received from investment of funds in the Auction  
24 Regulation Administration Fund shall be deposited into the

1 Auction Regulation Administration Fund and shall be used for  
2 the same purposes as other moneys deposited in the Auction  
3 Regulation Administration Fund.

4 This fund shall be created on July 1, 1999. The State  
5 Treasurer shall cause a transfer of \$300,000 to the Auction  
6 Regulation Administration Fund from the Real Estate License  
7 Administration Fund on August 1, 1999. The State Treasurer  
8 shall cause a transfer of \$200,000 on August 1, 2000 and a  
9 transfer of \$100,000 on January 1, 2002 from the Auction  
10 Regulation Administration Fund to the Real Estate License  
11 Administration Fund, or if there is a sufficient fund balance  
12 in the Auction Regulation Administration Fund to properly  
13 administer this Act, the Department ~~OBRE~~ may recommend to the  
14 State Treasurer to cause a transfer from the Auction Regulation  
15 Administration Fund to the Real Estate License Administration  
16 Fund on a date and in an amount which is accelerated, but not  
17 less than set forth in this Section. In addition to the license  
18 fees required under this Act, each initial applicant for  
19 licensure under this Act shall pay to the Department ~~OBRE~~ an  
20 additional \$100 for deposit into the Auction Regulation  
21 Administration Fund for a period of 2 years or until such time  
22 the original transfer amount to the Auction Regulation  
23 Administration Fund from the Real Estate License  
24 Administration Fund is repaid.

25 Moneys in the Auction Regulation Administration Fund may be  
26 transferred to the Professions Indirect Cost Fund, as

1 authorized under Section 2105-300 of the Department of  
2 Professional Regulation Law of the Civil Administrative Code of  
3 Illinois.

4 Upon completion of any audit of the Department ~~OBRE~~ as  
5 prescribed by the Illinois State Auditing Act, which includes  
6 an audit of the Auction Regulation Administration Fund, the  
7 Department ~~OBRE~~ shall make the audit open to inspection by any  
8 interested party.

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

10 (225 ILCS 407/30-20)

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

12 Sec. 30-20. Auction Recovery Fund. A special fund to be  
13 known as the Auction Recovery Fund is created in the State  
14 Treasury. The moneys in the Auction Recovery Fund shall be used  
15 by the Department ~~OBRE~~ exclusively for carrying out the  
16 purposes established pursuant to the provisions of Section  
17 30-35 of this Act.

18 The sums received by the Department ~~OBRE~~ pursuant to the  
19 provisions of Sections 20-5 through Sections 20-20 of this Act  
20 shall be deposited into the State Treasury and held in the  
21 Auction Recovery Fund. In addition to the license fees required  
22 under this Act, each initial and renewal applicant shall pay to  
23 the Department ~~OBRE~~ an additional \$25 for deposit into the  
24 Auction Recovery Fund for a period of 2 years after the  
25 effective date of this Act. After such time the Auction

1 Regulation Administration Fund has totally repaid the Real  
2 Estate License Administration Fund, the State Treasurer shall  
3 cause a transfer of \$50,000 from the Auction Regulation  
4 Administration Fund to the Auction Recovery Fund annually on  
5 January 1 so as to sustain a minimum balance of \$400,000 in the  
6 Auction Recovery Fund. If the fund balance in the Auction  
7 Recovery Fund on January 1 of any year after 2002 is less than  
8 \$100,000, in addition to the renewal license fee required under  
9 this Act, each renewal applicant shall pay the Department ~~OPRE~~  
10 an additional \$25 fee for deposit into the Auction Recovery  
11 Fund.

12 The funds held in the Auction Recovery Fund may be invested  
13 and reinvested in the same manner as funds in the Auction  
14 Regulation Administration Fund. All earnings received from  
15 investment may be deposited into the Auction Recovery Fund and  
16 may be used for the same purposes as other moneys deposited  
17 into the Auction Recovery Fund or may be deposited into the  
18 Auction Education Fund as provided in Section 30-25 of this Act  
19 and as established by rule.

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

21 (225 ILCS 407/30-25)

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

23 Sec. 30-25. Auction Education Fund. A special fund to be  
24 known as the Auction Education Fund is created in the State  
25 Treasury. The Auction Education Fund shall be administered by

1 the Department ~~OPRE~~. Subject to appropriation, moneys  
2 deposited into the Auction Education Fund may be used for the  
3 advancement of education in the auction industry, as  
4 established by rule. The moneys deposited in the Auction  
5 Education Fund may be invested and reinvested in the same  
6 manner as funds in the Auction Regulation Administration Fund.  
7 All earnings received from investment shall be deposited into  
8 the Auction Education Fund and may be used for the same  
9 purposes as other moneys deposited into the Auction Education  
10 Fund.

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

12 (225 ILCS 407/30-30)

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

14 Sec. 30-30. Auction Advisory Board.

15 (a) There is hereby created the Auction Advisory Board. The  
16 Advisory Board shall consist of 7 members and shall be  
17 appointed by the Secretary ~~Commissioner~~. In making the  
18 appointments, the Secretary ~~Commissioner~~ shall give due  
19 consideration to the recommendations by members and  
20 organizations of the industry, including but not limited to the  
21 Illinois State Auctioneers Association. Five ~~Four~~ members of  
22 the Advisory Board shall be licensed auctioneers, except that  
23 for the initial appointments, these members may be persons  
24 without a license, but who have been auctioneers for at least 5  
25 years preceding their appointment to the Advisory Board. One



1 member shall be a public member who represents the interests of  
2 consumers and who is not licensed under this Act or the spouse  
3 of a person licensed under this Act or who has any  
4 responsibility for management or formation of policy of or any  
5 financial interest in the auctioneering profession or any other  
6 connection with the profession. One member shall be actively  
7 engaged in the real estate industry and licensed as a broker or  
8 salesperson. The Advisory Board shall annually elect one of its  
9 members to serve as Chairperson ~~One member shall be the~~  
10 ~~Director of Auction Regulation, ex officio, and shall serve as~~  
11 ~~the Chairperson of the Advisory Board.~~

12 (b) Members shall be appointed for a term of 4 years,  
13 except that of the initial appointments, 3 members shall be  
14 appointed to serve a term of 3 years and 4 members shall be  
15 appointed to serve a term of 4 years, ~~including the Director.~~  
16 The Secretary ~~Commissioner~~ shall fill a vacancy for the  
17 remainder of any unexpired term. Each member shall serve on the  
18 Advisory Board until his or her successor is appointed and  
19 qualified. No person shall be appointed to serve more than 2  
20 terms, including the unexpired portion of a term due to  
21 vacancy. To the extent practicable, the Secretary ~~Commissioner~~  
22 shall appoint members to insure that the various geographic  
23 regions of the State are properly represented on the Advisory  
24 Board.

25 (c) A majority of the Advisory Board members currently  
26 appointed shall constitute a quorum. A vacancy in the

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

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

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

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

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

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

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

21 (225 ILCS 407/30-40)

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

23 Sec. 30-40. Auction Recovery Fund; recovery; actions;  
24 procedures. The Department ~~OBRE~~ shall maintain an Auction  
25 Recovery Fund from which any person aggrieved by an act,

1 representation, transaction, or the conduct of a duly licensed  
2 auctioneer, associate auctioneer or auction firm that  
3 constitutes a violation of this Act or the regulations  
4 promulgated pursuant thereto or that constitutes embezzlement  
5 of money or property or results in money or property being  
6 unlawfully obtained from any person by false pretenses,  
7 artifice, trickery, or forgery or by reason of any fraud,  
8 misrepresentation, discrimination or deceit by or on the part  
9 of any licensee or the unlicensed employee of any auctioneer,  
10 associate auctioneer, or auction firm and that results in a  
11 loss of actual cash money as opposed to losses in market value,  
12 may recover. The aggrieved person may recover, by order of the  
13 circuit court of the county where the violation occurred, an  
14 amount of not more than \$10,000 from the fund for damages  
15 sustained by the act, representation, transaction, or conduct,  
16 together with the costs of suit and attorneys' fees incurred in  
17 connection therewith of not to exceed 15% of the amount of the  
18 recovery ordered paid from the Fund. However, no licensed  
19 auctioneer, associate auctioneer, or auction firm may recover  
20 from the Fund, unless the court finds that the person suffered  
21 a loss resulting from intentional misconduct. The court order  
22 shall not include interest on the judgment.

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

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

2 (225 ILCS 407/30-45)

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

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

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

11 (b) When any aggrieved person commences action for a  
12 judgment that may result in collection from the Auction  
13 Recovery Fund, the aggrieved person must name as parties to  
14 that action any and all individual auctioneers, associate  
15 auctioneers, auction firms, or their employees or agents who  
16 allegedly committed or are responsible for acts or omissions  
17 giving rise to a right of recovery from the Auction Recovery  
18 Fund. Failure to name these individuals as parties shall  
19 preclude recovery from the Auction Recovery Fund of any portion  
20 of the judgment received in the action.

21 (c) 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 notify the Department  
24 ~~OBRE~~ in writing to this effect at the time of the commencement  
25 of the action. Failure to so notify the Department ~~OBRE~~ shall

1 preclude recovery from the Auction Recovery Fund of any portion  
2 of the judgment received in the action. After receiving notice  
3 of the commencement of such an action, the Department ~~OBRE~~,  
4 upon timely application, shall be permitted to intervene as a  
5 party to that action.

6 (d) When an aggrieved party commences action for a judgment  
7 that may result in collection from the Auction Recovery Fund  
8 and the court in which the action is commenced enters judgment  
9 by default against the defendant and in favor of the aggrieved  
10 party, the court shall, upon motion of the Department ~~OBRE~~, set  
11 aside that judgment by default. After a judgment by default has  
12 been set aside, the Department ~~OBRE~~ shall appear as a party to  
13 that action and thereafter the court shall require proof of the  
14 allegations in the pleading upon which relief is sought.

15 (e) The aggrieved person shall give written notice to the  
16 Department ~~OBRE~~ within 30 days after the entry of any judgment  
17 that may result in collection from the Auction Recovery Fund.  
18 That aggrieved person shall provide the Department ~~OBRE~~ 20 days  
19 written notice of all supplementary proceeding so as to allow  
20 the Department ~~OBRE~~ to participate in all efforts to collect on  
21 the judgment.

22 (f) When any aggrieved person recovers a valid judgment in  
23 any court of competent jurisdiction against any licensee or an  
24 unlicensed employee or agent of any licensee on the grounds of  
25 fraud, misrepresentation, discrimination, or deceit, the  
26 aggrieved person may, upon the termination of all proceedings,

1 including review and appeals in connection with the judgment,  
2 file a verified claim in the court in which the judgment was  
3 entered and, upon 30 days written notice to the Department ~~OBRE~~  
4 and to the person against whom the judgment was obtained, may  
5 apply to the court for an order directing payment out of the  
6 Auction Recovery Fund of the amount unpaid upon the judgment,  
7 not including interest on the judgment, and subject to the  
8 limitation stated in Section 30-40 of this Act. The aggrieved  
9 person must set out in that verified claim and at an  
10 evidentiary hearing to be held by the court that the aggrieved  
11 person:

12 (1) is not the spouse of the debtor or the personal  
13 representative of the spouse;

14 (2) has complied with all the requirements of this  
15 Section;

16 (3) has obtained a judgment stating the amount thereof  
17 and the amount owing thereon, not including interest  
18 thereon, at the date of the application;

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

23 (5) has discovered no personal or real property or  
24 other assets liable to be sold or applied, or has  
25 discovered certain of them, describing them owned by the  
26 judgment debtor and liable to be so applied, and has taken

1 all necessary action and proceeding for the realization  
2 thereof, and the amount thereby realized was insufficient  
3 to satisfy the judgment, stating the amount so realized and  
4 the balance remaining due on the judgment after application  
5 of the amount realized;

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

10 (7) has filed an adversary action to have the debts  
11 declared non-dischargeable in any bankruptcy petition  
12 matter filed by any judgment debtor or person liable to the  
13 aggrieved person. The aggrieved person shall also be  
14 required to prove the amount of attorney's fees sought to  
15 be recovered and the reasonableness of those fees up to the  
16 maximum allowed pursuant to Section 30-40 of this Act.

17 (g) The court shall make an order directed to the  
18 Department ~~OPRE~~ requiring payment from the Auction Recovery  
19 Fund of whatever sum it finds to be payable upon the claim,  
20 pursuant to and in accordance with the limitations contained in  
21 Section 30-40 of this Act, if the court is satisfied, upon the  
22 hearing, of the truth of all matters required to be shown by  
23 the aggrieved person by subsection (f) of this Section and that  
24 the aggrieved person has fully pursued and exhausted all  
25 remedies available for recovering the amount awarded by the  
26 judgment of the court.

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

13           (i) If, at any time, the money deposited in the Auction  
14 Recovery Fund is insufficient to satisfy any duly authorized  
15 claim or portion thereof, the Department ~~OBRE~~ shall, when  
16 sufficient money has been deposited in the Auction Recovery  
17 Fund, satisfy such unpaid claims or portions thereof, in the  
18 order that the claims or portions thereof were originally  
19 filed, plus accumulated interest at the rate prescribed in  
20 Section 12-109 of the Code of Civil Procedure.

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

22           (225 ILCS 407/30-50)

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

24           Sec. 30-50. Contractual agreements. The Department ~~OBRE~~  
25 may enter into contractual agreements with third parties to



1 carry out the provisions of this Act.

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

3 (225 ILCS 407/30-55)

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

5 Sec. 30-55. Reciprocal agreements. The Department ~~OBRE~~  
6 shall have the authority to enter into reciprocal licensing  
7 agreements with the proper authority of a state, territory, or  
8 possession of the United States or the District of Columbia  
9 having licensing requirements equal to or substantially  
10 equivalent to the requirements of this State.

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

12 (225 ILCS 407/10-25 rep.)

13 (225 ILCS 407/Art. 25 rep.)

14 (225 ILCS 407/30-5 rep.)

15 Section 10. The Auction License Act is amended by repealing  
16 Sections 10-25 and 30-5 and Article 25."