

# HB1718



## 97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB1718

by Rep. Jim Sacia

### SYNOPSIS AS INTRODUCED:

225 ILCS 407/10-1

Amends the Auction License Act. Removes language exempting new or used vehicle dealers from licensure requirements of the Act. Effective immediately.

LRB097 05393 CEL 45451 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Auction License Act is amended by changing  
5 Section 10-1 as follows:

6 (225 ILCS 407/10-1)

7 (Section scheduled to be repealed on January 1, 2020)

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

9 (a) It is unlawful for any person, corporation, limited  
10 liability company, partnership, or other entity to conduct an  
11 auction, provide an auction service, hold himself or herself  
12 out as an auctioneer, or advertise his or her services as an  
13 auctioneer in the State of Illinois without a license issued by  
14 the Department under this Act, except at:

15 (1) an auction conducted solely by or for a  
16 not-for-profit organization for charitable purposes in  
17 which the individual receives no compensation;

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

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

1           (4) an auction conducted by a business registered as a  
2 market agency under the federal Packers and Stockyards Act  
3 (7 U.S.C. 181 et seq.) or under the Livestock Auction  
4 Market Law;

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

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

11           (b) Nothing in this Act shall be construed to apply to ~~a~~  
12 ~~new or used vehicle dealer or~~ a vehicle auctioneer licensed by  
13 the Secretary of State of Illinois, or to any employee of the  
14 licensee, who is a resident of the State of Illinois, while the  
15 employee is acting in the regular scope of his or her  
16 employment for the licensee while conducting an auction that is  
17 not open to the public, provided that only new or used vehicle  
18 dealers, rebuilders, automotive parts recyclers, or scrap  
19 processors licensed by the Secretary of State or licensed by  
20 another state or jurisdiction may buy property at the auction,  
21 or to sales by or through the licensee. Out-of-state salvage  
22 vehicle buyers licensed in another state or jurisdiction may  
23 also buy property at the auction.

24           (c) Nothing in this Act shall be construed to prohibit a  
25 person under the age of 18 from selling property under \$250 in  
26 value while under the direct supervision of a licensed

1 auctioneer.

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

5 (Source: P.A. 95-572, eff. 6-1-08; 95-783, eff. 1-1-09; 96-730,  
6 eff. 8-25-09.)

7 Section 99. Effective date. This Act takes effect upon  
8 becoming law.