



Sen. Pamela J. Althoff

Filed: 5/5/2015

09900HB3332sam002

LRB099 00381 MLM 35130 a

1 AMENDMENT TO HOUSE BILL 3332

2 AMENDMENT NO. _____. Amend House Bill 3332 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Professional Limited Liability Company Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Financial and
8 Professional Regulation.

9 "Professional limited liability company" means a limited
10 liability company that intends to provide, or does provide,
11 professional services that require the individuals engaged in
12 the profession to be licensed by the Department of Financial
13 and Professional Regulation.

14 Section 10. Application of the Limited Liability Company
15 Act. The Limited Liability Company Act, as now or hereafter

1 amended, shall be applicable to professional limited liability
2 companies, and they shall enjoy the powers and privileges and
3 be subject to the duties, restrictions, and liabilities of
4 other limited liability companies, except where inconsistent
5 with the letter and purpose of this Act. This Act shall take
6 precedence in the event of any conflict with the provisions of
7 the Limited Liability Company Act or other laws.

8 Section 15. Certificate of registration.

9 (a) No professional limited liability company may render
10 professional services that require the issuance of a license by
11 the Department, except through its managers, members, agents,
12 or employees who are duly licensed or otherwise legally
13 authorized to render such professional services within this
14 State. An individual's association with a professional limited
15 liability company as a manager, member, agent, or employee,
16 shall in no way modify or diminish the jurisdiction of the
17 Department that licensed, certified, or registered the
18 individual for a particular profession.

19 (b) A professional limited liability company shall not
20 open, operate, or maintain an establishment for any of the
21 purposes for which a limited liability company may be organized
22 without obtaining a certificate of registration from the
23 Department.

24 (c) Application for a certificate of registration shall be
25 made in writing and shall contain the name and primary mailing

1 address of the professional limited liability company, the name
2 and address of the company's registered agent, the address of
3 the practice location maintained by the company, each assumed
4 name being used by the company, and such other information as
5 may be required by the Department. All official correspondence
6 from the Department shall be mailed to the primary mailing
7 address of the company except that the company may elect to
8 have renewal and non-renewal notices sent to the registered
9 agent of the company. Upon receipt of such application, the
10 Department shall make an investigation of the professional
11 limited liability company. If this Act or any Act administered
12 by the Department requires the organizers, managers, and
13 members to each be licensed in the particular profession or
14 related professions related to the professional services
15 offered by the company, the Department shall determine that the
16 organizers, managers, and members are each licensed pursuant to
17 the laws of Illinois to engage in the particular profession or
18 related professions involved (except that an initial organizer
19 may be a licensed attorney) and that no disciplinary action is
20 pending before the Department against any of them before
21 issuing a certificate of registration. For all other companies
22 submitting an application, the Department shall determine if
23 any organizer, manager, or member claiming to hold a
24 professional license issued by the Department is currently so
25 licensed and that no disciplinary action is pending before the
26 Department against any of them before issuing a certificate of

1 registration. If it appears that the professional limited
2 liability company will be conducted in compliance with the law
3 and the rules and regulations of the Department, the Department
4 shall issue, upon payment of a registration fee of \$50, a
5 certificate of registration.

6 (d) A separate application shall be submitted for each
7 business location in Illinois. If the professional limited
8 liability company is using more than one fictitious or assumed
9 name and has an address different from that of the parent
10 company, a separate application shall be submitted for each
11 fictitious or assumed name.

12 (e) Upon written application of the holder, the Department
13 shall renew the certificate if it finds that the professional
14 limited liability company has complied with its regulations and
15 the provisions of this Act and the applicable licensing Act.
16 This fee for the renewal of a certificate of registration shall
17 be calculated at the rate of \$40 per year. The certificate of
18 registration shall be conspicuously posted upon the premises to
19 which it is applicable. A certificate of registration shall not
20 be assignable.

21 (f) The Department shall not issue or renew any certificate
22 of registration to a professional limited liability company
23 during the period of dissolution.

24 Section 20. Failure to obtain a certificate of
25 registration. Whenever the Department has reason to believe a

1 professional limited liability company has opened, operated,
2 or maintained an establishment without a certificate of
3 registration, the Department may issue a notice of violation to
4 the professional limited liability company. The notice of
5 violation shall provide a period of 30 days after the date of
6 the notice to either file an answer to the satisfaction of the
7 Department or submit an application for a certificate of
8 registration in compliance with this Act. If the professional
9 limited liability company submits an application for a
10 certificate of registration, it must pay the \$50 application
11 fee and a late fee of \$100 for each year that the professional
12 limited liability company opened, operated, or maintained an
13 establishment without a certificate of registration for the
14 purpose of providing any professional service that requires the
15 individuals engaged in the profession to be licensed by the
16 Department, with a maximum late fee of \$500. If the
17 professional limited liability company that is the subject of
18 the notice of violation fails to respond, fails to respond to
19 the satisfaction of the Department, or fails to submit an
20 application for registration, the Department may institute
21 disciplinary proceedings against the professional limited
22 liability company and may impose a civil penalty up to \$1,000
23 for violation of this Act after affording the professional
24 limited liability company a hearing in conformance with the
25 requirements of this Act.

1 Section 25. Suspension, revocation or discipline of
2 certificate of registration.

3 (a) The Department may suspend, revoke, or otherwise
4 discipline the certificate of registration of a professional
5 limited liability company for any of the following reasons:

6 (1) the revocation or suspension of the license to
7 practice the profession of any officer, manager, member,
8 agent, or employee not promptly removed or discharged by
9 the professional limited liability company;

10 (2) unethical professional conduct on the part of any
11 officer, manager, member, agent, or employee not promptly
12 removed or discharged by the professional limited
13 liability company;

14 (3) the death of the last remaining member;

15 (4) upon finding that the holder of the certificate has
16 failed to comply with the provisions of this Act or the
17 regulations prescribed by the Department; or

18 (5) the failure to file a return, to pay the tax,
19 penalty, or interest shown in a filed return, or to pay any
20 final assessment of tax, penalty, or interest, as required
21 by a tax Act administered by the Illinois Department of
22 Revenue, until such time as the requirements of any such
23 tax Act are satisfied.

24 (b) Before any certificate of registration is suspended or
25 revoked, the holder shall be given written notice of the
26 proposed action and the reasons for the proposed action and

1 shall be provided a public hearing by the Department with the
2 right to produce testimony and other evidence concerning the
3 charges made. The notice shall also state the place and date of
4 the hearing, which shall be at least 10 days after service of
5 the notice.

6 (c) All orders of the Department denying an application for
7 a certificate of registration or suspending or revoking a
8 certificate of registration or imposing a civil penalty shall
9 be subject to judicial review pursuant to the Administrative
10 Review Law.

11 (d) The proceedings for judicial review shall be commenced
12 in the circuit court of the county in which the party applying
13 for review is located. If the party is not currently located in
14 Illinois, the venue shall be in Sangamon County. The Department
15 shall not be required to certify any record to the court or
16 file any answer in court or otherwise appear in any court in a
17 judicial review proceeding, unless and until the Department has
18 received from the plaintiff payment of the costs of furnishing
19 and certifying the record, which costs shall be determined by
20 the Department. Exhibits shall be certified without cost.
21 Failure on the part of the plaintiff to file a receipt in court
22 is grounds for dismissal of the action.

23 Section 30. Confidentiality.

24 (a) All information collected by the Department in the
25 course of an examination or investigation of a holder of a

1 certificate of registration or an applicant, including, but not
2 limited to, any complaint against a holder of a certificate of
3 registration filed with the Department and information
4 collected to investigate any such complaint, shall be
5 maintained for the confidential use of the Department and shall
6 not be disclosed.

7 (b) The Department may not disclose the information to
8 anyone other than law enforcement officials, other regulatory
9 agencies that have an appropriate regulatory interest as
10 determined by the Secretary of the Department, or a party
11 presenting a lawful subpoena to the Department. Information and
12 documents disclosed to a federal, State, county, or local law
13 enforcement agency shall not be disclosed by the agency for any
14 purpose to any other agency or person. A formal complaint filed
15 against a holder of a certificate of registration by the
16 Department or any order issued by the Department against a
17 holder of a certificate of registration or an applicant shall
18 be a public record, except as otherwise prohibited by law.

19 Section 35. Professional relationship and liability;
20 rights and obligations pertaining to communications.

21 (a) Nothing contained in this Act shall be interpreted to
22 abolish, repeal, modify, restrict, or limit the law in effect
23 in this State on the effective date of this Act that is
24 applicable to the professional relationship and liabilities
25 between the person furnishing the professional services and the

1 person receiving such professional services or the law that is
2 applicable to the standards for professional conduct. Any
3 manager, member, agent, or employee of a professional limited
4 liability company shall remain personally and fully liable and
5 accountable for any negligent or wrongful acts or misconduct
6 committed by him or her or by any person under his or her
7 direct supervision and control while rendering professional
8 services on behalf of the professional limited liability
9 company. However, a professional limited liability company
10 shall have no greater liability for the conduct of its agents
11 than any other limited liability company organized under the
12 Limited Liability Company Act. A professional limited
13 liability company shall be liable up to the full value of its
14 property for any negligence or wrongful acts or misconduct
15 committed by any of its managers, members, agents, or employees
16 while they are engaged in the rendering of professional
17 services on behalf of the professional limited liability
18 company.

19 (b) All rights and obligations pertaining to
20 communications made to or information received by any qualified
21 person or the advice he or she gives on such communications or
22 information, shall be extended to the professional limited
23 liability company of which he or she is a manager, member,
24 agent, or employee, and to the professional limited liability
25 company's managers, members, agents, and employees.

1 Section 40. Dissolution. A professional limited liability
2 company may, for the purposes of dissolution, have as its
3 managers and members individuals who are not licensed by the
4 Department to provide professional services notwithstanding
5 any provision of this Act or of any professional Act
6 administered by the Department, provided that the professional
7 limited liability company under these circumstances does not
8 render any professional services nor hold itself out as capable
9 or available to render any professional services during the
10 period of dissolution. A copy of the certificate of
11 dissolution, as issued by the Secretary of State, shall be
12 delivered to the Department within 30 days of its receipt by
13 the managers or members.

14 Section 45. Dishonored payments. Any professional limited
15 liability company that, on 2 occasions, issues or delivers a
16 check or other order to the Department that is not honored by
17 the financial institution upon which it is drawn because of
18 insufficient funds on the account, shall pay to the Department,
19 in addition to the amount owing upon such check or other order,
20 a fee of \$50. If such check or other order was issued or
21 delivered in payment of a renewal fee and the professional
22 limited liability company whose certificate of registration
23 has lapsed continues to practice as a professional limited
24 liability company without paying the renewal fee and the \$50
25 fee required under this Section, an additional fee of \$100

1 shall be imposed for practicing without a current certificate.
2 The Department shall notify the professional limited liability
3 company whose certificate of registration has lapsed within 30
4 days after the discovery by the Department that such
5 professional limited liability company is operating without a
6 current certificate of the fact that the professional limited
7 liability company is operating without a certificate and of the
8 amount due to the Department, which shall include the lapsed
9 renewal fee and all other fees required by this Section. If the
10 professional limited liability company whose certification has
11 lapsed seeks a current certificate more than 30 days after the
12 date it receives notification from the Department, it shall be
13 required to apply to the Department for reinstatement of the
14 certificate and to pay all fees due to the Department. The
15 Department may establish a fee for the processing of an
16 application for reinstatement of a certificate that allows the
17 Department to pay all costs and expenses related to the
18 processing of the application. The Secretary of the Department
19 may waive the fees due under this Section in individual cases
20 where he or she finds that in the particular case such fees
21 would be unreasonable or unnecessarily burdensome.

22 Section 50. Deposit of fees and fines. All fees, civil
23 penalties, and fines collected under this Act shall be
24 deposited into the General Professions Dedicated Fund.

1 Section 900. The Regulatory Sunset Act is amended by
2 changing Section 4.26 and by adding Section 4.36 as follows:

3 (5 ILCS 80/4.26)

4 Sec. 4.26. Acts repealed on January 1, 2016. The following
5 Acts are repealed on January 1, 2016:

6 The Illinois Athletic Trainers Practice Act.

7 The Illinois Roofing Industry Licensing Act.

8 The Illinois Dental Practice Act.

9 ~~The Collection Agency Act.~~

10 The Barber, Cosmetology, Esthetics, Hair Braiding, and
11 Nail Technology Act of 1985.

12 The Respiratory Care Practice Act.

13 The Hearing Instrument Consumer Protection Act.

14 The Illinois Physical Therapy Act.

15 The Professional Geologist Licensing Act.

16 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
17 96-1246, eff. 1-1-11.)

18 (5 ILCS 80/4.36 new)

19 Sec. 4.36. Act repealed on January 1, 2026. The following
20 Act is repealed on January 1, 2026:

21 The Collection Agency Act.

22 Section 905. The Department of Professional Regulation Law
23 of the Civil Administrative Code of Illinois is amended by

1 changing Sections 2105-5, 2105-15, 2105-100, 2105-105,
2 2105-110, 2105-115, 2105-120, 2105-125, 2105-175, 2105-200,
3 2105-205, 2105-300, 2105-325, and 2105-400 and by adding
4 Section 2105-117 as follows:

5 (20 ILCS 2105/2105-5) (was 20 ILCS 2105/60b)

6 Sec. 2105-5. Definitions. ~~(a)~~ In this Law:

7 "Address of record" means the designated address recorded
8 by the Department in the applicant's application file or the
9 licensee's license file, as maintained by the Department's
10 licensure maintenance unit.

11 "Department" means the Division of Professional Regulation
12 of the Department of Financial and Professional Regulation. Any
13 reference in this Article to the "Department of Professional
14 Regulation" shall be deemed to mean the "Division of
15 Professional Regulation of the Department of Financial and
16 Professional Regulation".

17 "Director" means the Director of Professional Regulation.

18 ~~(b) In the construction of this Section and Sections~~
19 ~~2105-15, 2105-100, 2105-105, 2105-110, 2105-115, 2105-120,~~
20 ~~2105-125, 2105-175, and 2105-325, the following definitions~~
21 ~~shall govern unless the context otherwise clearly indicates:~~

22 "Board" means the board of persons designated for a
23 profession, trade, or occupation under the provisions of any
24 Act now or hereafter in force whereby the jurisdiction of that
25 profession, trade, or occupation is devolved on the Department.

1 "Certificate" means a license, certificate of
2 registration, permit, or other authority purporting to be
3 issued or conferred by the Department by virtue or authority of
4 which the registrant has or claims the right to engage in a
5 profession, trade, occupation, or operation of which the
6 Department has jurisdiction.

7 "Registrant" means a person who holds or claims to hold a
8 certificate.

9 "Retiree" means a person who has been duly licensed,
10 registered, or certified in a profession regulated by the
11 Department and who chooses to relinquish or not renew his or
12 her license, registration, or certification.

13 (Source: P.A. 94-452, eff. 1-1-06.)

14 (20 ILCS 2105/2105-15)

15 Sec. 2105-15. General powers and duties.

16 (a) The Department has, subject to the provisions of the
17 Civil Administrative Code of Illinois, the following powers and
18 duties:

19 (1) To authorize examinations in English to ascertain
20 the qualifications and fitness of applicants to exercise
21 the profession, trade, or occupation for which the
22 examination is held.

23 (2) To prescribe rules and regulations for a fair and
24 wholly impartial method of examination of candidates to
25 exercise the respective professions, trades, or

1 occupations.

2 (3) To pass upon the qualifications of applicants for
3 licenses, certificates, and authorities, whether by
4 examination, by reciprocity, or by endorsement.

5 (4) To prescribe rules and regulations defining, for
6 the respective professions, trades, and occupations, what
7 shall constitute a school, college, or university, or
8 department of a university, or other institution,
9 reputable and in good standing, and to determine the
10 reputability and good standing of a school, college, or
11 university, or department of a university, or other
12 institution, reputable and in good standing, by reference
13 to a compliance with those rules and regulations; provided,
14 that no school, college, or university, or department of a
15 university, or other institution that refuses admittance
16 to applicants solely on account of race, color, creed, sex,
17 sexual orientation, or national origin shall be considered
18 reputable and in good standing.

19 (5) To conduct hearings on proceedings to revoke,
20 suspend, refuse to renew, place on probationary status, or
21 take other disciplinary action as authorized in any
22 licensing Act administered by the Department with regard to
23 licenses, certificates, or authorities of persons
24 exercising the respective professions, trades, or
25 occupations and to revoke, suspend, refuse to renew, place
26 on probationary status, or take other disciplinary action

1 as authorized in any licensing Act administered by the
2 Department with regard to those licenses, certificates, or
3 authorities.

4 The Department shall issue a monthly disciplinary
5 report.

6 The Department shall deny any license or renewal
7 authorized by the Civil Administrative Code of Illinois to
8 any person who has defaulted on an educational loan or
9 scholarship provided by or guaranteed by the Illinois
10 Student Assistance Commission or any governmental agency
11 of this State; however, the Department may issue a license
12 or renewal if the aforementioned persons have established a
13 satisfactory repayment record as determined by the
14 Illinois Student Assistance Commission or other
15 appropriate governmental agency of this State.
16 Additionally, beginning June 1, 1996, any license issued by
17 the Department may be suspended or revoked if the
18 Department, after the opportunity for a hearing under the
19 appropriate licensing Act, finds that the licensee has
20 failed to make satisfactory repayment to the Illinois
21 Student Assistance Commission for a delinquent or
22 defaulted loan. For the purposes of this Section,
23 "satisfactory repayment record" shall be defined by rule.

24 The Department shall refuse to issue or renew a license
25 to, or shall suspend or revoke a license of, any person
26 who, after receiving notice, fails to comply with a

1 subpoena or warrant relating to a paternity or child
2 support proceeding. However, the Department may issue a
3 license or renewal upon compliance with the subpoena or
4 warrant.

5 The Department, without further process or hearings,
6 shall revoke, suspend, or deny any license or renewal
7 authorized by the Civil Administrative Code of Illinois to
8 a person who is certified by the Department of Healthcare
9 and Family Services (formerly Illinois Department of
10 Public Aid) as being more than 30 days delinquent in
11 complying with a child support order or who is certified by
12 a court as being in violation of the Non-Support Punishment
13 Act for more than 60 days. The Department may, however,
14 issue a license or renewal if the person has established a
15 satisfactory repayment record as determined by the
16 Department of Healthcare and Family Services (formerly
17 Illinois Department of Public Aid) or if the person is
18 determined by the court to be in compliance with the
19 Non-Support Punishment Act. The Department may implement
20 this paragraph as added by Public Act 89-6 through the use
21 of emergency rules in accordance with Section 5-45 of the
22 Illinois Administrative Procedure Act. For purposes of the
23 Illinois Administrative Procedure Act, the adoption of
24 rules to implement this paragraph shall be considered an
25 emergency and necessary for the public interest, safety,
26 and welfare.

1 (6) To transfer jurisdiction of any realty under the
2 control of the Department to any other department of the
3 State Government or to acquire or accept federal lands when
4 the transfer, acquisition, or acceptance is advantageous
5 to the State and is approved in writing by the Governor.

6 (7) To formulate rules and regulations necessary for
7 the enforcement of any Act administered by the Department.

8 (8) To exchange with the Department of Healthcare and
9 Family Services information that may be necessary for the
10 enforcement of child support orders entered pursuant to the
11 Illinois Public Aid Code, the Illinois Marriage and
12 Dissolution of Marriage Act, the Non-Support of Spouse and
13 Children Act, the Non-Support Punishment Act, the Revised
14 Uniform Reciprocal Enforcement of Support Act, the Uniform
15 Interstate Family Support Act, or the Illinois Parentage
16 Act of 1984. Notwithstanding any provisions in this Code to
17 the contrary, the Department of Professional Regulation
18 shall not be liable under any federal or State law to any
19 person for any disclosure of information to the Department
20 of Healthcare and Family Services (formerly Illinois
21 Department of Public Aid) under this paragraph (8) or for
22 any other action taken in good faith to comply with the
23 requirements of this paragraph (8).

24 (8.5) To accept continuing education credit for
25 mandated reporter training on how to recognize and report
26 child abuse offered by the Department of Children and

1 Family Services and completed by any person who holds a
2 professional license issued by the Department and who is a
3 mandated reporter under the Abused and Neglected Child
4 Reporting Act. The Department shall adopt any rules
5 necessary to implement this paragraph.

6 (9) To perform other duties prescribed by law.

7 (a-5) Except in cases involving default on an educational
8 loan or scholarship provided by or guaranteed by the Illinois
9 Student Assistance Commission or any governmental agency of
10 this State or in cases involving delinquency in complying with
11 a child support order or violation of the Non-Support
12 Punishment Act and notwithstanding anything that may appear in
13 any individual licensing Act or administrative rule, no person
14 or entity whose license, certificate, or authority has been
15 revoked as authorized in any licensing Act administered by the
16 Department may apply for restoration of that license,
17 certification, or authority until 3 years after the effective
18 date of the revocation.

19 (b) The Department may, when a fee is payable to the
20 Department for a wall certificate of registration provided by
21 the Department of Central Management Services, require that
22 portion of the payment for printing and distribution costs be
23 made directly or through the Department to the Department of
24 Central Management Services for deposit into the Paper and
25 Printing Revolving Fund. The remainder shall be deposited into
26 the General Revenue Fund.

1 (c) For the purpose of securing and preparing evidence, and
2 for the purchase of controlled substances, professional
3 services, and equipment necessary for enforcement activities,
4 recoupment of investigative costs, and other activities
5 directed at suppressing the misuse and abuse of controlled
6 substances, including those activities set forth in Sections
7 504 and 508 of the Illinois Controlled Substances Act, the
8 Director and agents appointed and authorized by the Director
9 may expend sums from the Professional Regulation Evidence Fund
10 that the Director deems necessary from the amounts appropriated
11 for that purpose. Those sums may be advanced to the agent when
12 the Director deems that procedure to be in the public interest.
13 Sums for the purchase of controlled substances, professional
14 services, and equipment necessary for enforcement activities
15 and other activities as set forth in this Section shall be
16 advanced to the agent who is to make the purchase from the
17 Professional Regulation Evidence Fund on vouchers signed by the
18 Director. The Director and those agents are authorized to
19 maintain one or more commercial checking accounts with any
20 State banking corporation or corporations organized under or
21 subject to the Illinois Banking Act for the deposit and
22 withdrawal of moneys to be used for the purposes set forth in
23 this Section; provided, that no check may be written nor any
24 withdrawal made from any such account except upon the written
25 signatures of 2 persons designated by the Director to write
26 those checks and make those withdrawals. Vouchers for those

1 expenditures must be signed by the Director. All such
2 expenditures shall be audited by the Director, and the audit
3 shall be submitted to the Department of Central Management
4 Services for approval.

5 (d) Whenever the Department is authorized or required by
6 law to consider some aspect of criminal history record
7 information for the purpose of carrying out its statutory
8 powers and responsibilities, then, upon request and payment of
9 fees in conformance with the requirements of Section 2605-400
10 of the Department of State Police Law (20 ILCS 2605/2605-400),
11 the Department of State Police is authorized to furnish,
12 pursuant to positive identification, the information contained
13 in State files that is necessary to fulfill the request.

14 (e) The provisions of this Section do not apply to private
15 business and vocational schools as defined by Section 15 of the
16 Private Business and Vocational Schools Act of 2012.

17 (f) (Blank). ~~Beginning July 1, 1995, this Section does not~~
18 ~~apply to those professions, trades, and occupations licensed~~
19 ~~under the Real Estate License Act of 2000, nor does it apply to~~
20 ~~any permits, certificates, or other authorizations to do~~
21 ~~business provided for in the Land Sales Registration Act of~~
22 ~~1989 or the Illinois Real Estate Time Share Act.~~

23 (g) Notwithstanding anything that may appear in any
24 individual licensing statute or administrative rule, the
25 Department shall deny any license application or renewal
26 authorized under any licensing Act administered by the

1 Department to any person who has failed to file a return, or to
2 pay the tax, penalty, or interest shown in a filed return, or
3 to pay any final assessment of tax, penalty, or interest, as
4 required by any tax Act administered by the Illinois Department
5 of Revenue, until such time as the requirement of any such tax
6 Act are satisfied; however, the Department may issue a license
7 or renewal if the person has established a satisfactory
8 repayment record as determined by the Illinois Department of
9 Revenue. For the purpose of this Section, "satisfactory
10 repayment record" shall be defined by rule.

11 In addition, a complaint filed with the Department by the
12 Illinois Department of Revenue that includes a certification,
13 signed by its Director or designee, attesting to the amount of
14 the unpaid tax liability or the years for which a return was
15 not filed, or both, is prima facie evidence of the licensee's
16 failure to comply with the tax laws administered by the
17 Illinois Department of Revenue. Upon receipt of that
18 certification, the Department shall, without a hearing,
19 immediately suspend all licenses held by the licensee.
20 Enforcement of the Department's order shall be stayed for 60
21 days. The Department shall provide notice of the suspension to
22 the licensee by mailing a copy of the Department's order by
23 certified and regular mail to the licensee's last known address
24 as registered with the Department. The notice shall advise the
25 licensee that the suspension shall be effective 60 days after
26 the issuance of the Department's order unless the Department

1 receives, from the licensee, a request for a hearing before the
2 Department to dispute the matters contained in the order.

3 Any suspension imposed under this subsection (g) shall be
4 terminated by the Department upon notification from the
5 Illinois Department of Revenue that the licensee is in
6 compliance with all tax laws administered by the Illinois
7 Department of Revenue.

8 The Department may ~~shall~~ promulgate rules for the
9 administration of this subsection (g).

10 (h) The Department may grant the title "Retired", to be
11 used immediately adjacent to the title of a profession
12 regulated by the Department, to eligible retirees. The use of
13 the title "Retired" shall not constitute representation of
14 current licensure, registration, or certification. Any person
15 without an active license, registration, or certificate in a
16 profession that requires licensure, registration, or
17 certification shall not be permitted to practice that
18 profession.

19 (i) Within 180 days after December 23, 2009 (the effective
20 date of Public Act 96-852), the Department shall promulgate
21 rules which permit a person with a criminal record, who seeks a
22 license or certificate in an occupation for which a criminal
23 record is not expressly a per se bar, to apply to the
24 Department for a non-binding, advisory opinion to be provided
25 by the Board or body with the authority to issue the license or
26 certificate as to whether his or her criminal record would bar

1 the individual from the licensure or certification sought,
2 should the individual meet all other licensure requirements
3 including, but not limited to, the successful completion of the
4 relevant examinations.

5 (Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14;
6 98-850, eff. 1-1-15.)

7 (20 ILCS 2105/2105-100) (was 20 ILCS 2105/60c)

8 Sec. 2105-100. Disciplinary action with respect to
9 certificates; notice citation; hearing.

10 (a) Certificates may be revoked, suspended, placed on
11 probationary status, reprimanded, fined, or have other
12 disciplinary action taken with regard to them as authorized in
13 any licensing Act administered by the Department in the manner
14 provided by the Civil Administrative Code of Illinois and not
15 otherwise.

16 (b) The Department may upon its own motion and shall upon
17 the verified complaint in writing of any person, provided the
18 complaint or the complaint together with evidence, documentary
19 or otherwise, presented in connection with the complaint makes
20 a prima facie case, investigate the actions of any person
21 holding or claiming to hold a certificate.

22 (c) Before suspending, revoking, placing on probationary
23 status, reprimanding, fining, or taking any other disciplinary
24 action that may be authorized in any licensing Act administered
25 by the Department with regard to any certificate, the

1 Department shall issue a notice informing ~~citation notifying~~
2 the registrant of the time and place when and where a hearing
3 of the charges shall be had. The notice ~~citation~~ shall contain
4 a statement of the charges or shall be accompanied by a copy of
5 the written complaint if such complaint shall have been filed.
6 The notice ~~citation~~ shall be served on the registrant at least
7 10 days prior to the date set in the notice ~~citation~~ for the
8 hearing, either by delivery of the notice ~~citation~~ personally
9 to the registrant or by mailing the notice ~~citation~~ by
10 registered mail to the registrant's address of record ~~last~~
11 ~~known place of residence~~; provided that in any case where the
12 registrant is now or may hereafter be required by law to
13 maintain a place of business in this State and to notify the
14 Department of the location of that place of business, the
15 notice ~~citation~~ may be served by mailing it by registered mail
16 to the registrant at the place of business last described by
17 the registrant in the notification to the Department.

18 (d) At the time and place fixed in the notice ~~citation~~, the
19 Department shall proceed to a hearing of the charges. Both the
20 registrant and the complainant shall be accorded ample
21 opportunity to present, in person or by counsel, any
22 statements, testimony, evidence, and argument that may be
23 pertinent to the charges or to any defense to the charges. The
24 Department may continue the hearing from time to time.

25 (Source: P.A. 91-239, eff. 1-1-00.)

1 (20 ILCS 2105/2105-105) (was 20 ILCS 2105/60d)

2 Sec. 2105-105. Oaths; subpoenas; penalty.

3 (a) The Department, by its Director or a person designated
4 by him or her, is empowered, at any time during the course of
5 any investigation or hearing conducted pursuant to any Act
6 administered by the Department, to administer oaths, subpoena
7 witnesses, take evidence, and compel the production of any
8 books, papers, records, or any other documents that the
9 Director, or a person designated by him or her, deems relevant
10 or material to any such investigation or hearing conducted by
11 the Department, with the same fees and mileage and in the same
12 manner as prescribed by law in judicial proceedings in civil
13 cases in circuit courts of this State. Discovery or evidence
14 depositions shall not be taken, except by agreement of the
15 Department and registrant.

16 (b) Any person who, without lawful authority, fails to
17 appear in response to a subpoena or to answer any question or
18 produce any books, papers, records, or any other documents
19 relevant or material to the investigation or hearing is guilty
20 of a Class A misdemeanor. Each violation shall constitute a
21 separate and distinct offense.

22 In addition to initiating criminal proceedings, the
23 Department, through the Attorney General, may seek enforcement
24 of any such subpoena by any circuit court of this State.

25 (Source: P.A. 91-239, eff. 1-1-00.)

1 (20 ILCS 2105/2105-110) (was 20 ILCS 2105/60e)

2 Sec. 2105-110. Court order requiring attendance of
3 witnesses or production of materials. Any circuit court, upon
4 the application of the registrant ~~or complainant~~ or of the
5 Department, may by order duly entered enforce a subpoena issued
6 by the Department for ~~require~~ the attendance of witnesses and
7 the production of relevant books and papers before the
8 Department in any hearing relative to the application for
9 refusal to renew, suspension, revocation, placing on
10 probationary status, reprimand, fine, or the taking of any
11 other disciplinary action as may be authorized in any licensing
12 Act administered by the Department with regard to any
13 certificate of registration. The court may compel obedience to
14 its order by proceedings for contempt.

15 (Source: P.A. 91-239, eff. 1-1-00.)

16 (20 ILCS 2105/2105-115) (was 20 ILCS 2105/60f)

17 Sec. 2105-115. Certified shorthand reporter ~~Stenographer~~;
18 transcript. The Department, at its expense, shall provide a
19 certified shorthand reporter ~~stenographer~~ to take down the
20 testimony and preserve a record of all proceedings at the
21 hearing of any case in which a certificate may be revoked,
22 suspended, placed on probationary status, reprimanded, fined,
23 or subjected to other disciplinary action with reference to the
24 certificate when a disciplinary action is authorized in any
25 licensing Act administered by the Department. The notice

1 ~~citation~~, complaint, and all other documents in the nature of
2 pleadings and written motions filed in the proceedings, the
3 transcript of testimony, the report of the board, and the
4 orders of the Department shall be the record of the
5 proceedings. The Department shall furnish ~~a transcript of~~ the
6 record to any person interested in the hearing upon payment
7 therefor of \$1 per page. The Department may contract for court
8 reporting services, and, in the event it does so, the
9 Department shall provide the name and contact information for
10 the certified shorthand reporter who transcribed the testimony
11 at a hearing to any person interested, who may obtain a copy of
12 the transcript of any proceedings at a hearing upon payment of
13 the fee specified by the certified shorthand reporter. This
14 charge is in addition to any fee charged by the Department for
15 certifying the record.

16 (Source: P.A. 91-239, eff. 1-1-00.)

17 (20 ILCS 2105/2105-117 new)

18 Sec. 2105-117. Confidentiality. All information collected
19 by the Department in the course of an examination or
20 investigation of a licensee, registrant, or applicant,
21 including, but not limited to, any complaint against a licensee
22 or registrant filed with the Department and information
23 collected to investigate any such complaint, shall be
24 maintained for the confidential use of the Department and shall
25 not be disclosed. The Department may not disclose the

1 information to anyone other than law enforcement officials,
2 other regulatory agencies that have an appropriate regulatory
3 interest as determined by the Director, or a party presenting a
4 lawful subpoena to the Department. Information and documents
5 disclosed to a federal, State, county, or local law enforcement
6 agency shall not be disclosed by the agency for any purpose to
7 any other agency or person. A formal complaint filed against a
8 licensee or registrant by the Department or any order issued by
9 the Department against a licensee, registrant, or applicant
10 shall be a public record, except as otherwise prohibited by
11 law.

12 (20 ILCS 2105/2105-120) (was 20 ILCS 2105/60g)

13 Sec. 2105-120. Board's report; registrant's motion for
14 rehearing.

15 (a) The board shall present to the Director its written
16 report of its findings and recommendations. A copy of the
17 report shall be served upon the registrant, either personally
18 or by registered mail as provided in Section 2105-100 for the
19 service of the notice ~~citation~~.

20 (b) Within 20 days after the service required under
21 subsection (a), the registrant may present to the Department a
22 motion in writing for a rehearing. The written motion shall
23 specify the particular grounds for a rehearing. If the
24 registrant orders and pays for a transcript of the record as
25 provided in Section 2105-115, the time elapsing thereafter and

1 before the transcript is ready for delivery to the registrant
2 shall not be counted as part of the 20 days.

3 (Source: P.A. 91-239, eff. 1-1-00; 91-357, eff. 7-29-99; 92-16,
4 eff. 6-28-01.)

5 (20 ILCS 2105/2105-125) (was 20 ILCS 2105/60h)

6 Sec. 2105-125. Restoration of certificate. At any time
7 after the successful completion of any term of suspension,
8 revocation, placement on probationary status, or other
9 disciplinary action taken by the Department with reference to
10 any certificate, including payment of any fine, the Department
11 may restore it to the registrant without examination, upon the
12 written recommendation of the appropriate board.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (20 ILCS 2105/2105-175) (was 20 ILCS 2105/60a in part)

15 Sec. 2105-175. Reexaminations or rehearings. Whenever the
16 Director is satisfied that substantial justice has not been
17 done either in an examination or in the revocation of, refusal
18 to renew, suspension, placing on probationary status,
19 reprimanding, fining, or taking of other disciplinary action as
20 may be authorized in any licensing Act administered by the
21 Department with regard to a license, certificate, or authority,
22 the Director may order reexaminations or rehearings by the same
23 or other examiners or hearing officers.

24 (Source: P.A. 91-239, eff. 1-1-00.)

1 (20 ILCS 2105/2105-200) (was 20 ILCS 2105/60.1)

2 Sec. 2105-200. Index of formal decisions regarding
3 disciplinary action. The Department shall maintain an index of
4 formal decisions regarding the issuance of or refusal to issue
5 licenses, the renewal of or refusal to renew licenses, the
6 revocation or suspension of licenses, and probationary or other
7 disciplinary action taken by the Department after August 31,
8 1971 (the effective date of Public Act 77-1400). ~~The decisions~~
9 ~~shall be indexed according to the statutory Section and the~~
10 ~~administrative regulation, if any, that is the basis for the~~
11 ~~decision.~~ The index shall be available to the public during
12 regular business hours.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (20 ILCS 2105/2105-205) (was 20 ILCS 2105/60.3)

15 Sec. 2105-205. Publication of disciplinary actions. The
16 Department shall publish on its website, at least monthly,
17 final disciplinary actions taken by the Department against a
18 licensee or applicant pursuant to any licensing Act
19 administered by the Department ~~the Medical Practice Act of~~
20 ~~1987~~. The specific disciplinary action and the name of the
21 applicant or licensee shall be listed. ~~This publication shall~~
22 ~~be made available to the public upon request and payment of the~~
23 ~~fees set by the Department. This publication may be made~~
24 ~~available to the public on the Internet through the State of~~

1 ~~Illinois World Wide Web site.~~

2 (Source: P.A. 90-14, eff. 7-1-97; 91-239, eff. 1-1-00.)

3 (20 ILCS 2105/2105-300) (was 20 ILCS 2105/61e)

4 Sec. 2105-300. Professions Indirect Cost Fund;
5 allocations; analyses.

6 (a) Appropriations for the direct and allocable indirect
7 costs of licensing and regulating each regulated profession,
8 trade, occupation, or industry are intended to be payable from
9 the fees and fines that are assessed and collected from that
10 profession, trade, occupation, or industry, to the extent that
11 those fees and fines are sufficient. In any fiscal year in
12 which the fees and fines generated by a specific profession,
13 trade, occupation, or industry are insufficient to finance the
14 necessary direct and allocable indirect costs of licensing and
15 regulating that profession, trade, occupation, or industry,
16 the remainder of those costs shall be financed from
17 appropriations payable from revenue sources other than fees and
18 fines. The direct and allocable indirect costs of the
19 Department identified in its cost allocation plans that are not
20 attributable to the licensing and regulation of a specific
21 profession, trade, or occupation, or industry or group of
22 professions, trades, occupations, or industries shall be
23 financed from appropriations from revenue sources other than
24 fees and fines.

25 (b) The Professions Indirect Cost Fund is hereby created as

1 a special fund in the State Treasury. Except as provided in
2 subsection (e), the Fund may receive transfers of moneys
3 authorized by the Department from the cash balances in special
4 funds that receive revenues from the fees and fines associated
5 with the licensing of regulated professions, trades,
6 occupations, and industries by the Department. ~~For purposes of
7 this Section only, until June 30, 2010, the Fund may also
8 receive transfers of moneys authorized by the Department from
9 the cash balances in special funds that receive revenues from
10 the fees and fines associated with the licensing of regulated
11 professions, trades, occupations, and industries by the
12 Department of Insurance.~~ Moneys in the Fund shall be invested
13 and earnings on the investments shall be retained in the Fund.
14 Subject to appropriation, the Department shall use moneys in
15 the Fund to pay the ordinary and necessary allocable indirect
16 expenses associated with each of the regulated professions,
17 trades, occupations, and industries.

18 (c) Before the beginning of each fiscal year, the
19 Department shall prepare a cost allocation analysis to be used
20 in establishing the necessary appropriation levels for each
21 cost purpose and revenue source. At the conclusion of each
22 fiscal year, the Department shall prepare a cost allocation
23 analysis reflecting the extent of the variation between how the
24 costs were actually financed in that year and the planned cost
25 allocation for that year. Variations between the planned and
26 actual cost allocations for the prior fiscal year shall be

1 adjusted into the Department's planned cost allocation for the
2 next fiscal year.

3 Each cost allocation analysis shall separately identify
4 the direct and allocable indirect costs of each regulated
5 profession, trade, occupation, or industry and the costs of the
6 Department's general public health and safety purposes. The
7 analyses shall determine whether the direct and allocable
8 indirect costs of each regulated profession, trade,
9 occupation, or industry and the costs of the Department's
10 general public health and safety purposes are sufficiently
11 financed from their respective funding sources. The Department
12 shall prepare the cost allocation analyses in consultation with
13 the respective regulated professions, trades, occupations, and
14 industries and shall make copies of the analyses available to
15 them in a timely fashion. ~~For purposes of this Section only,~~
16 ~~until June 30, 2010, the Department shall include in its cost~~
17 ~~allocation analysis the direct and allocable indirect costs of~~
18 ~~each regulated profession, trade, occupation, or industry and~~
19 ~~the costs of the general public health and safety purposes of~~
20 ~~the Department of Insurance.~~

21 (d) Except as provided in subsection (e), the Department
22 may direct the State Comptroller and Treasurer to transfer
23 moneys from the special funds that receive fees and fines
24 associated with regulated professions, trades, occupations,
25 and industries into the Professions Indirect Cost Fund in
26 accordance with the Department's cost allocation analysis plan

1 for the applicable fiscal year. For a given fiscal year, the
2 Department shall not direct the transfer of moneys under this
3 subsection from a special fund associated with a specific
4 regulated profession, trade, occupation, or industry (or group
5 of professions, trades, occupations, or industries) in an
6 amount exceeding the allocable indirect costs associated with
7 that profession, trade, occupation, or industry (or group of
8 professions, trades, occupations, or industries) as provided
9 in the cost allocation analysis for that fiscal year and
10 adjusted for allocation variations from the prior fiscal year.
11 No direct costs identified in the cost allocation plan shall be
12 used as a basis for transfers into the Professions Indirect
13 Cost Fund or for expenditures from the Fund.

14 (e) No transfer may be made to the Professions Indirect
15 Cost Fund under this Section from the Public Pension Regulation
16 Fund.

17 (Source: P.A. 95-950, eff. 8-29-08; 96-45, eff. 7-15-09.)

18 (20 ILCS 2105/2105-325) (was 20 ILCS 2105/60a in part)

19 Sec. 2105-325. Board member expenses ~~compensation~~. Except
20 as otherwise provided in any licensing Act, from amounts
21 appropriated for ~~compensation and~~ expenses of boards, each
22 member of each board shall ~~receive compensation at a rate,~~
23 ~~established by the Director, not to exceed \$50 per day, for the~~
24 ~~member's service and shall~~ be reimbursed for the member's
25 expenses necessarily incurred in relation to that service in

1 accordance with the travel regulations applicable to the
2 Department at the time the expenses are incurred.

3 (Source: P.A. 91-239, eff. 1-1-00.)

4 (20 ILCS 2105/2105-400)

5 Sec. 2105-400. Emergency Powers.

6 (a) Upon proclamation of a disaster by the Governor, as
7 provided for in the Illinois Emergency Management Agency Act,
8 the Secretary of Financial and Professional Regulation shall
9 have the following powers, which shall be exercised only in
10 coordination with the Illinois Emergency Management Agency and
11 the Department of Public Health:

12 (1) The power to suspend the requirements for permanent
13 or temporary licensure of persons who are licensed in
14 another state and are working under the direction of the
15 Illinois Emergency Management Agency and the Department of
16 Public Health pursuant to a declared disaster.

17 (2) The power to modify the scope of practice
18 restrictions under any licensing act administered by the
19 Department for any person working under the direction of
20 the Illinois Emergency Management Agency and the Illinois
21 Department of Public Health pursuant to the declared
22 disaster.

23 (3) The power to expand the exemption in Section 4(a)
24 of the Pharmacy Practice Act to those licensed
25 professionals whose scope of practice has been modified,

1 under paragraph (2) of subsection (a) of this Section, to
2 include any element of the practice of pharmacy as defined
3 in the Pharmacy Practice Act for any person working under
4 the direction of the Illinois Emergency Management Agency
5 and the Illinois Department of Public Health pursuant to
6 the declared disaster.

7 (b) Persons exempt from licensure under paragraph (1) of
8 subsection (a) of this Section and persons operating under
9 modified scope of practice provisions under paragraph (2) of
10 subsection (a) of this Section shall be exempt from licensure
11 or be subject to modified scope of practice only until the
12 declared disaster has ended as provided by law. For purposes of
13 this Section, persons working under the direction of an
14 emergency services and disaster agency accredited by the
15 Illinois Emergency Management Agency and a local public health
16 department, pursuant to a declared disaster, shall be deemed to
17 be working under the direction of the Illinois Emergency
18 Management Agency and the Department of Public Health.

19 (c) The Secretary or the Director, as his or her designee,
20 shall exercise these powers by way of proclamation.

21 (Source: P.A. 94-733, eff. 4-27-06; 95-689, eff. 10-29-07.)

22 (20 ILCS 2105/2105-150 rep.)

23 (20 ILCS 2105/2105-350 rep.)

24 Section 910. The Department of Professional Regulation Law
25 of the Civil Administrative Code of Illinois is amended by

1 repealing Sections 2105-150 and 2105-350.

2 Section 915. The Clinical Psychologist Licensing Act is
3 amended by changing Section 3 and by adding Section 24.2 as
4 follows:

5 (225 ILCS 15/3) (from Ch. 111, par. 5353)

6 (Section scheduled to be repealed on January 1, 2017)

7 Sec. 3. Necessity of license; corporations, professional
8 limited liability companies, partnerships, and associations;
9 display of license.

10 (a) No individual, partnership, association or corporation
11 shall, without a valid license as a clinical psychologist
12 issued by the Department, in any manner hold himself or herself
13 out to the public as a psychologist or clinical psychologist
14 under the provisions of this Act or render or offer to render
15 clinical psychological services as defined in paragraph 7 of
16 Section 2 of this Act; or attach the title "clinical
17 psychologist", "psychologist" or any other name or designation
18 which would in any way imply that he or she is able to practice
19 as a clinical psychologist; or offer to render or render, to
20 individuals, corporations or the public, clinical
21 psychological services as defined in paragraph 7 of Section 2
22 of this Act.

23 No person may engage in the practice of clinical
24 psychology, as defined in paragraph (5) of Section 2 of this

1 Act, without a license granted under this Act, except as
2 otherwise provided in this Act.

3 (b) No association or partnership shall be granted a
4 license and no professional limited liability company shall
5 provide, attempt to provide, or offer to provide clinical
6 psychological services unless every member, partner, and
7 employee of the association, ~~or~~ partnership, or professional
8 limited liability company who renders clinical psychological
9 services holds a currently valid license issued under this Act.

10 No license shall be issued by the Department to a corporation
11 that (i) has a stated purpose that includes clinical
12 psychology, or (ii) practices or holds itself out as available
13 to practice clinical psychology, unless it is organized under
14 the Professional Service Corporation Act.

15 (c) Individuals, corporations, professional limited
16 liability companies, partnerships, and associations may employ
17 practicum students, interns or postdoctoral candidates seeking
18 to fulfill educational requirements or the professional
19 experience requirements needed to qualify for a license as a
20 clinical psychologist to assist in the rendering of services,
21 provided that such employees function under the direct
22 supervision, order, control and full professional
23 responsibility of a licensed clinical psychologist in the
24 corporation, professional limited liability company,
25 partnership, or association. Nothing in this paragraph shall
26 prohibit a corporation, professional limited liability

1 company, partnership, or association from contracting with a
2 licensed health care professional to provide services.

3 (c-5) Nothing in this Act shall preclude individuals
4 licensed under this Act from practicing directly or indirectly
5 for a physician licensed to practice medicine in all its
6 branches under the Medical Practice Act of 1987 or for any
7 legal entity as provided under subsection (c) of Section 22.2
8 of the Medical Practice Act of 1987.

9 (d) Nothing in this Act shall prevent the employment, by a
10 clinical psychologist, individual, association, partnership,
11 professional limited liability company, or a corporation
12 furnishing clinical psychological services for remuneration,
13 of persons not licensed as clinical psychologists under the
14 provisions of this Act to perform services in various
15 capacities as needed, provided that such persons are not in any
16 manner held out to the public as rendering clinical
17 psychological services as defined in paragraph 7 of Section 2
18 of this Act. Nothing contained in this Act shall require any
19 hospital, clinic, home health agency, hospice, or other entity
20 that provides health care services to employ or to contract
21 with a clinical psychologist licensed under this Act to perform
22 any of the activities under paragraph (5) of Section 2 of this
23 Act.

24 (e) Nothing in this Act shall be construed to limit the
25 services and use of official title on the part of a person, not
26 licensed under the provisions of this Act, in the employ of a

1 State, county or municipal agency or other political
2 subdivision insofar that such services are a part of the duties
3 in his or her salaried position, and insofar that such services
4 are performed solely on behalf of his or her employer.

5 Nothing contained in this Section shall be construed as
6 permitting such person to offer their services as psychologists
7 to any other persons and to accept remuneration for such
8 psychological services other than as specifically excepted
9 herein, unless they have been licensed under the provisions of
10 this Act.

11 (f) Duly recognized members of any bonafide religious
12 denomination shall not be restricted from functioning in their
13 ministerial capacity provided they do not represent themselves
14 as being clinical psychologists or providing clinical
15 psychological services.

16 (g) Nothing in this Act shall prohibit individuals not
17 licensed under the provisions of this Act who work in self-help
18 groups or programs or not-for-profit organizations from
19 providing services in those groups, programs, or
20 organizations, provided that such persons are not in any manner
21 held out to the public as rendering clinical psychological
22 services as defined in paragraph 7 of Section 2 of this Act.

23 (h) Nothing in this Act shall be construed to prevent a
24 person from practicing hypnosis without a license issued under
25 this Act provided that the person (1) does not otherwise engage
26 in the practice of clinical psychology including, but not

1 limited to, the independent evaluation, classification, and
2 treatment of mental, emotional, behavioral, or nervous
3 disorders or conditions, developmental disabilities,
4 alcoholism and substance abuse, disorders of habit or conduct,
5 the psychological aspects of physical illness, (2) does not
6 otherwise engage in the practice of medicine including, but not
7 limited to, the diagnosis or treatment of physical or mental
8 ailments or conditions, and (3) does not hold himself or
9 herself out to the public by a title or description stating or
10 implying that the individual is a clinical psychologist or is
11 licensed to practice clinical psychology.

12 (i) Every licensee under this Act shall prominently display
13 the license at the licensee's principal office, place of
14 business, or place of employment and, whenever requested by any
15 representative of the Department, must exhibit the license.

16 (Source: P.A. 94-870, eff. 6-16-06.)

17 (225 ILCS 15/24.2 new)

18 Sec. 24.2. Confidentiality. All information collected by
19 the Department in the course of an examination or investigation
20 of a licensee or applicant, including, but not limited to, any
21 complaint against a licensee filed with the Department and
22 information collected to investigate any such complaint, shall
23 be maintained for the confidential use of the Department and
24 shall not be disclosed. The Department may not disclose the
25 information to anyone other than law enforcement officials,

1 other regulatory agencies that have an appropriate regulatory
2 interest as determined by the Secretary, or a party presenting
3 a lawful subpoena to the Department. Information and documents
4 disclosed to a federal, State, county, or local law enforcement
5 agency shall not be disclosed by the agency for any purpose to
6 any other agency or person. A formal complaint filed against a
7 licensee by the Department or any order issued by the
8 Department against a licensee or applicant shall be a public
9 record, except as otherwise prohibited by law.

10 Section 920. The Clinical Social Work and Social Work
11 Practice Act is amended by changing Section 10 and by adding
12 Section 34.1 as follows:

13 (225 ILCS 20/10) (from Ch. 111, par. 6360)

14 (Section scheduled to be repealed on January 1, 2018)

15 Sec. 10. License restrictions and limitations.

16 (a) No person shall, without a license as a social worker
17 issued by the Department: (i) in any manner hold himself or
18 herself out to the public as a social worker under this Act;
19 (ii) use the title "social worker" or "licensed social worker";
20 or (iii) offer to render to individuals, corporations, or the
21 public social work services if the words "social work" or
22 "licensed social worker" are used to describe the person
23 offering to render or rendering the services or to describe the
24 services rendered or offered to be rendered.

1 (b) No person shall, without a license as a clinical social
2 worker issued by the Department: (i) in any manner hold himself
3 or herself out to the public as a clinical social worker or
4 licensed clinical social worker under this Act; (ii) use the
5 title "clinical social worker" or "licensed clinical social
6 worker"; or (iii) offer to render to individuals, corporations,
7 or the public clinical social work services if the words
8 "licensed clinical social worker" or "clinical social work" are
9 used to describe the person to render or rendering the services
10 or to describe the services rendered or offered to be rendered.

11 (c) Licensed social workers may not engage in independent
12 practice of clinical social work without a clinical social
13 worker license. In independent practice, a licensed social
14 worker shall practice at all times under the order, control,
15 and full professional responsibility of a licensed clinical
16 social worker, a licensed clinical psychologist, or a
17 psychiatrist, as defined in Section 1-121 of the Mental Health
18 and Developmental Disabilities Code.

19 (d) No association, ~~or~~ partnership, or professional
20 limited liability company shall provide, attempt to provide, or
21 offer to provide social work or clinical social work services
22 ~~be granted a license~~ unless every member, partner, and employee
23 of the association, ~~or~~ partnership, or professional limited
24 liability company who practices social work or clinical social
25 work~~7~~ or who renders social work or clinical social work
26 services~~7~~ holds a current license issued under this Act. No

1 business shall provide, attempt to provide, or offer to provide
2 social work or clinical social work services ~~license shall be~~
3 ~~issued to a corporation, the stated purpose of which includes~~
4 ~~or that practices or holds itself out as available to practice~~
5 ~~social work or clinical social work~~ unless it is organized
6 under the Professional Service Corporation Act, the Medical
7 Corporation Act, or the Professional Limited Liability Company
8 Act.

9 (e) Nothing in this Act shall preclude individuals licensed
10 under this Act from practicing directly or indirectly for a
11 physician licensed to practice medicine in all its branches
12 under the Medical Practice Act of 1987 or for any legal entity
13 as provided under subsection (c) of Section 22.2 of the Medical
14 Practice Act of 1987.

15 (Source: P.A. 90-150, eff. 12-30-97.)

16 (225 ILCS 20/34.1 new)

17 Sec. 34.1. Confidentiality. All information collected by
18 the Department in the course of an examination or investigation
19 of a licensee or applicant, including, but not limited to, any
20 complaint against a licensee filed with the Department and
21 information collected to investigate any such complaint, shall
22 be maintained for the confidential use of the Department and
23 shall not be disclosed. The Department may not disclose the
24 information to anyone other than law enforcement officials,
25 other regulatory agencies that have an appropriate regulatory

1 interest as determined by the Secretary, or a party presenting
2 a lawful subpoena to the Department. Information and documents
3 disclosed to a federal, State, county, or local law enforcement
4 agency shall not be disclosed by the agency for any purpose to
5 any other agency or person. A formal complaint filed against a
6 licensee by the Department or any order issued by the
7 Department against a licensee or applicant shall be a public
8 record, except as otherwise prohibited by law.

9 (225 ILCS 20/18 rep.)

10 Section 925. The Clinical Social Work and Social Work
11 Practice Act is amended by repealing Section 18.

12 Section 930. The Marriage and Family Therapy Licensing Act
13 is amended by changing Section 75 and by adding Section 156 as
14 follows:

15 (225 ILCS 55/75) (from Ch. 111, par. 8351-75)

16 (Section scheduled to be repealed on January 1, 2018)

17 Sec. 75. License restrictions and limitations. ~~Practice by~~
18 ~~corporations.~~ No association, partnership, or professional
19 limited liability company shall provide, attempt to provide, or
20 offer to provide marriage and family therapy services unless
21 every member, partner, and employee of the association,
22 partnership, or professional limited liability company who
23 practices marriage and family therapy or who renders marriage

1 and family therapy services holds a current license issued
2 under this Act. No business shall provide, attempt to provide,
3 or offer to provide license shall be issued by the Department
4 to any corporation (i) that has a stated purpose that includes,
5 or (ii) that practices or holds itself out as available to
6 practice, marriage and family therapy services, unless it is
7 organized under the Professional Service Corporation Act or
8 Professional Limited Liability Company Act. Nothing in this Act
9 shall preclude individuals licensed under this Act from
10 practicing directly or indirectly for a physician licensed to
11 practice medicine in all its branches under the Medical
12 Practice Act of 1987 or for any legal entity as provided under
13 subsection (c) of Section 22.2 of the Medical Practice Act of
14 1987.

15 (Source: P.A. 87-783.)

16 (225 ILCS 55/156 new)

17 Sec. 156. Confidentiality. All information collected by
18 the Department in the course of an examination or investigation
19 of a licensee or applicant, including, but not limited to, any
20 complaint against a licensee filed with the Department and
21 information collected to investigate any such complaint, shall
22 be maintained for the confidential use of the Department and
23 shall not be disclosed. The Department may not disclose the
24 information to anyone other than law enforcement officials,
25 other regulatory agencies that have an appropriate regulatory

1 interest as determined by the Secretary, or a party presenting
2 a lawful subpoena to the Department. Information and documents
3 disclosed to a federal, State, county, or local law enforcement
4 agency shall not be disclosed by the agency for any purpose to
5 any other agency or person. A formal complaint filed against a
6 licensee by the Department or any order issued by the
7 Department against a licensee or applicant shall be a public
8 record, except as otherwise prohibited by law.

9 Section 935. The Professional Counselor and Clinical
10 Professional Counselor Licensing and Practice Act is amended by
11 changing Section 20 as follows:

12 (225 ILCS 107/20)

13 (Section scheduled to be repealed on January 1, 2023)

14 Sec. 20. Restrictions and limitations.

15 (a) No person shall, without a valid license as a
16 professional counselor issued by the Department: (i) in any
17 manner hold himself or herself out to the public as a
18 professional counselor under this Act; (ii) attach the title
19 "professional counselor" or "licensed professional counselor";
20 or (iii) offer to render or render to individuals,
21 corporations, or the public professional counseling services.

22 (b) No person shall, without a valid license as a clinical
23 professional counselor issued by the Department: (i) in any
24 manner hold himself or herself out to the public as a clinical

1 professional counselor or licensed clinical professional
2 counselor under this Act; (ii) attach the title "clinical
3 professional counselor" or "licensed clinical professional
4 counselor"; or (iii) offer to render to individuals,
5 corporations, or the public clinical professional counseling
6 services.

7 (c) (Blank).

8 (d) No association, limited liability company,
9 professional limited liability company, or partnership shall
10 provide, attempt to provide, or offer to provide practice
11 clinical professional counseling or professional counseling
12 services unless every member, partner, and employee of the
13 association, limited liability company, professional limited
14 liability company, or partnership who practices professional
15 counseling or clinical professional counseling, or who renders
16 professional counseling or clinical professional counseling
17 services, holds a currently valid license issued under this
18 Act. No business shall provide, attempt to provide, or offer to
19 provide license shall be issued to a corporation, the stated
20 purpose of which includes or which practices or which holds
21 itself out as available to practice professional counseling or
22 clinical professional counseling services unless it is
23 organized under the Professional Service Corporation Act or
24 Professional Limited Liability Company Act.

25 (d-5) Nothing in this Act shall preclude individuals
26 licensed under this Act from practicing directly or indirectly

1 for a physician licensed to practice medicine in all its
2 branches under the Medical Practice Act of 1987 or for any
3 legal entity as provided under subsection (c) of Section 22.2
4 of the Medical Practice Act of 1987.

5 (e) Nothing in this Act shall be construed as permitting
6 persons licensed as professional counselors or clinical
7 professional counselors to engage in any manner in the practice
8 of medicine in all its branches as defined by law in this
9 State.

10 (f) When, in the course of providing professional
11 counseling or clinical professional counseling services to any
12 person, a professional counselor or clinical professional
13 counselor licensed under this Act finds indication of a disease
14 or condition that in his or her professional judgment requires
15 professional service outside the scope of practice as defined
16 in this Act, he or she shall refer that person to a physician
17 licensed to practice medicine in all of its branches or another
18 appropriate health care practitioner.

19 (Source: P.A. 97-706, eff. 6-25-12.)

20 Section 940. The Sex Offender Evaluation and Treatment
21 Provider Act is amended by changing Section 40 as follows:

22 (225 ILCS 109/40)

23 Sec. 40. Application; exemptions.

24 (a) No person may act as a sex offender evaluator, sex

1 offender treatment provider, or associate sex offender
2 provider as defined in this Act for the provision of sex
3 offender evaluations or sex offender treatment pursuant to the
4 Sex Offender Management Board Act, the Sexually Dangerous
5 Persons Act, or the Sexually Violent Persons Commitment Act
6 unless the person is licensed to do so by the Department. Any
7 evaluation or treatment services provided by a licensed health
8 care professional not licensed under this Act shall not be
9 valid under the Sex Offender Management Board Act, the Sexually
10 Dangerous Persons Act, or the Sexually Violent Persons
11 Commitment Act. No business shall provide, attempt to provide,
12 or offer to provide sex offender evaluation services unless it
13 is organized under the Professional Service Corporation Act,
14 the Medical Corporation Act, or the Professional Limited
15 Liability Company Act.

16 (b) Nothing in this Act shall be construed to require any
17 licensed physician, advanced practice nurse, physician
18 assistant, or other health care professional to be licensed
19 under this Act for the provision of services for which the
20 person is otherwise licensed. This Act does not prohibit a
21 person licensed under any other Act in this State from engaging
22 in the practice for which he or she is licensed. This Act only
23 applies to the provision of sex offender evaluations or sex
24 offender treatment provided for the purposes of complying with
25 the Sex Offender Management Board Act, the Sexually Dangerous
26 Persons Act, or the Sexually Violent Persons Commitment Act.

1 (Source: P.A. 97-1098, eff. 7-1-13.)

2 Section 945. The Collection Agency Act is amended by
3 changing Sections 2, 2.03, 2.04, 3, 4, 4.5, 5, 7, 8, 8a, 8b,
4 8c, 9, 9.1, 9.2, 9.3, 9.4, 9.5, 9.7, 9.22, 11, 13.1, 13.2, 14a,
5 14b, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27 and by
6 adding Sections 30, 35, 40, 45, 50, and 55 as follows:

7 (225 ILCS 425/2) (from Ch. 111, par. 2002)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 2. Definitions. In this Act:

10 "Address of record" means the designated address recorded
11 by the Department in the applicant's or licensee's application
12 file or license file as maintained by the Department's
13 licensure maintenance unit. It is the duty of the applicant or
14 licensee to inform the Department of any change of address and
15 those changes must be made either through the Department's
16 website or by contacting the Department.

17 "Board" means the Collection Agency Licensing and
18 Disciplinary Board.

19 "Charge-off balance" means an account principal and other
20 legally collectible costs, expenses, and interest accrued
21 prior to the charge-off date, less any payments or settlement.

22 "Charge-off date" means the date on which a receivable is
23 treated as a loss or expense.

24 "Credit ~~Consumer credit~~ transaction" means a transaction

1 between a natural person and another person in which property,
2 service, or money is acquired on credit by that natural person
3 from such other person primarily for personal, family, or
4 household purposes.

5 ~~"Consumer debt" or "consumer credit" means money,~~
6 ~~property, or their equivalent, due or owing or alleged to be~~
7 ~~due or owing from a natural person by reason of a consumer~~
8 ~~credit transaction.~~

9 "Creditor" means a person who extends consumer credit to a
10 debtor.

11 "Current balance" means the charge-off balance plus any
12 legally collectible costs, expenses, and interest, less any
13 credits or payments.

14 "Debt" means money, property, or their equivalent which is
15 due or owing or alleged to be due or owing from a ~~natural~~
16 person to another person.

17 "Debt buyer" means a person or entity that is engaged in
18 the business of purchasing delinquent or charged-off consumer
19 loans or consumer credit accounts or other delinquent consumer
20 debt for collection purposes, whether it collects the debt
21 itself or hires a third-party for collection or an
22 attorney-at-law for litigation in order to collect such debt.

23 ~~"Debt collection" means any act or practice in connection~~
24 ~~with the collection of consumer debts.~~

25 ~~"Debt collector", "collection agency", or "agency" means~~
26 ~~any person who, in the ordinary course of business, regularly,~~

1 ~~on behalf of himself or herself or others, engages in debt~~
2 ~~collection.~~

3 "Debtor" means a ~~natural~~ person from whom a collection
4 agency debt collector seeks to collect a consumer or commercial
5 debt that is due and owing or alleged to be due and owing from
6 such person.

7 "Department" means ~~Division of Professional Regulation~~
8 ~~within~~ the Department of Financial and Professional
9 Regulation.

10 ~~"Director" means the Director of the Division of~~
11 ~~Professional Regulation within the Department of Financial and~~
12 ~~Professional Regulation.~~

13 "Person" means a natural person, partnership, corporation,
14 limited liability company, trust, estate, cooperative,
15 association, or other similar entity.

16 "Licensed collection agency" means a person who is licensed
17 under this Act to engage in the practice of debt collection in
18 Illinois.

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

21 (Source: P.A. 97-1070, eff. 1-1-13.)

22 (225 ILCS 425/2.03) (from Ch. 111, par. 2005)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 2.03. Exemptions. This Act does not apply to persons
25 whose collection activities are confined to and are directly

1 related to the operation of a business other than that of a
2 collection agency, and specifically does not include the
3 following:

4 1. Banks, including trust departments, affiliates, and
5 subsidiaries thereof, fiduciaries, and financing and
6 lending institutions (except those who own or operate
7 collection agencies);

8 2. Abstract companies doing an escrow business;

9 3. Real estate brokers when acting in the pursuit of
10 their profession;

11 4. Public officers and judicial officers acting under
12 order of a court;

13 5. Licensed attorneys at law;

14 6. Insurance companies;

15 7. Credit unions, including affiliates and
16 subsidiaries thereof (except those who own or operate
17 collection agencies);

18 8. Loan and finance companies, including entities
19 licensed pursuant to the Residential Mortgage License Act
20 of 1987;

21 9. Retail stores collecting their own accounts;

22 10. Unit Owner's Associations established under the
23 Condominium Property Act, and their duly authorized
24 agents, when collecting assessments from unit owners; and

25 11. Any person or business under contract with a
26 creditor to notify the creditor's debtors of a debt using

1 only the creditor's name.

2 (Source: P.A. 95-437, eff. 1-1-08.)

3 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 2.04. Child support debt ~~indebtedness~~.

6 (a) Collection agencies ~~Persons, associations,~~
7 ~~partnerships, corporations, or other legal entities~~ engaged in
8 the business of collecting child support debt ~~indebtedness~~
9 owing under a court order as provided under the Illinois Public
10 Aid Code, the Illinois Marriage and Dissolution of Marriage
11 Act, ~~the Non-Support of Spouse and Children Act,~~ the
12 Non-Support Punishment Act, the Illinois Parentage Act of 1984,
13 or similar laws of other states are not restricted (i) in the
14 frequency of contact with an obligor who is in arrears, whether
15 by phone, mail, or other means, (ii) from contacting the
16 employer of an obligor who is in arrears, (iii) from publishing
17 or threatening to publish a list of obligors in arrears, (iv)
18 from disclosing or threatening to disclose an arrearage that
19 the obligor disputes, but for which a verified notice of
20 delinquency has been served under the Income Withholding for
21 Support Act (or any of its predecessors, Section 10-16.2 of the
22 Illinois Public Aid Code, Section 706.1 of the Illinois
23 Marriage and Dissolution of Marriage Act, Section 22 4.1 ~~4.1~~ of the
24 Non-Support Punishment ~~of Spouse and Children~~ Act, Section 26.1
25 of the Revised Uniform Reciprocal Enforcement of Support Act,

1 or Section 20 of the Illinois Parentage Act of 1984), or (v)
2 from engaging in conduct that would not cause a reasonable
3 person mental or physical illness. For purposes of this
4 subsection, "obligor" means an individual who owes a duty to
5 make periodic payments, under a court order, for the support of
6 a child. "Arrearage" means the total amount of an obligor's
7 unpaid child support obligations.

8 (a-5) A collection agency may not impose a fee or charge,
9 including costs, for any child support payments collected
10 through the efforts of a federal, State, or local government
11 agency, including but not limited to child support collected
12 from federal or State tax refunds, unemployment benefits, or
13 Social Security benefits.

14 No collection agency that collects child support payments
15 shall (i) impose a charge or fee, including costs, for
16 collection of a current child support payment, (ii) fail to
17 apply collections to current support as specified in the order
18 for support before applying collection to arrears or other
19 amounts, or (iii) designate a current child support payment as
20 arrears or other amount owed. In all circumstances, the
21 collection agency shall turn over to the obligee all support
22 collected in a month up to the amount of current support
23 required to be paid for that month.

24 As to any fees or charges, including costs, retained by the
25 collection agency, that agency shall provide documentation to
26 the obligee demonstrating that the child support payments

1 resulted from the actions of the agency.

2 After collection of the total amount or arrearage,
3 including statutory interest, due as of the date of execution
4 of the collection contract, no further fees may be charged.

5 (a-10) The Department ~~of Professional Regulation~~ shall
6 determine a fee rate of not less than 25% but not greater than
7 35%, based upon presentation by the licensees as to costs to
8 provide the service and a fair rate of return. This rate shall
9 be established by administrative rule.

10 Without prejudice to the determination by the Department of
11 the appropriate rate through administrative rule, a collection
12 agency shall impose a fee of not more than 29% of the amount of
13 child support actually collected by the collection agency
14 subject to the provisions of subsection (a-5). This interim
15 rate is based upon the March 2002 General Account Office report
16 "Child Support Enforcement", GAO-02-349. This rate shall apply
17 until a fee rate is established by administrative rule.

18 (b) The Department shall adopt rules necessary to
19 administer and enforce the provisions of this Section.

20 (Source: P.A. 93-896, eff. 8-10-04; 94-414, eff. 12-31-05.)

21 (225 ILCS 425/3) (from Ch. 111, par. 2006)

22 (Section scheduled to be repealed on January 1, 2016)

23 Sec. 3. A person, ~~association, partnership, corporation,~~
24 ~~or other legal entity~~ acts as a collection agency when he, she,
25 or it:

1 (a) Engages in the business of collection for others of
2 any account, bill or other debt ~~indebtedness~~;

3 (b) Receives, by assignment or otherwise, accounts,
4 bills, or other debt ~~indebtedness~~ from any person owning or
5 controlling 20% or more of the business receiving the
6 assignment, with the purpose of collecting monies due on
7 such account, bill or other debt ~~indebtedness~~;

8 (c) Sells or attempts to sell, or gives away or
9 attempts to give away to any other person, other than one
10 licensed ~~registered~~ under this Act, any system of
11 collection, letters, demand forms, or other printed matter
12 where the name of any person, other than that of the
13 creditor, appears in such a manner as to indicate, directly
14 or indirectly, that a request or demand is being made by
15 any person other than the creditor for the payment of the
16 sum or sums due or asserted to be due;

17 (d) Buys accounts, bills or other debt ~~indebtedness~~ and
18 ~~engages in collecting the same; or~~

19 (e) Uses a fictitious name in collecting its own
20 accounts, bills, or debts with the intention of conveying
21 to the debtor that a third party has been employed to make
22 such collection; or -

23 (f) Engages in the business of collection of a check or
24 other payment that is returned unpaid by the financial
25 institution upon which it is drawn.

1 (225 ILCS 425/4) (from Ch. 111, par. 2007)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 4. No collection agency shall operate in this State,
4 directly or indirectly engage in the business of collecting
5 debt, solicit debt claims for others, have a sales office, a
6 client, or solicit a client in this State, exercise the right
7 to collect, or receive payment for another of any debt account,
8 ~~bill or other indebtedness~~, without obtaining a license
9 ~~registering~~ under this Act except that no collection agency
10 shall be required to be licensed ~~or maintain an established~~
11 ~~business address in this State~~ if the agency's activities in
12 this State are limited to collecting debts from debtors located
13 in this State by means of interstate communication, including
14 telephone, mail, or facsimile transmission, electronic mail,
15 or any other Internet communication from the agency's location
16 in another state provided they are licensed in that state and
17 these same privileges are permitted in that licensed state to
18 agencies licensed in Illinois.

19 (Source: P.A. 88-363; 89-387, eff. 1-1-96.)

20 (225 ILCS 425/4.5)

21 (Section scheduled to be repealed on January 1, 2016)

22 Sec. 4.5. Unlicensed practice; violation; civil penalty.

23 (a) Any person who practices, offers to practice, attempts
24 to practice, or holds oneself out to practice as a collection

1 agency without being licensed under this Act shall, in addition
2 to any other penalty provided by law, pay a civil penalty to
3 the Department in an amount not to exceed \$10,000 ~~\$5,000~~ for
4 each offense as determined by the Department. The civil penalty
5 shall be assessed by the Department after a hearing is held in
6 accordance with the provisions set forth in this Act regarding
7 the provision of a hearing for the discipline of a licensee.

8 (b) The Department has the authority and power to
9 investigate any and all unlicensed activity. In addition to
10 taking any other action provided under this Act, whenever the
11 Department has reason to believe a person, ~~association,~~
12 ~~partnership, corporation, or other legal entity~~ has violated
13 any provision of subsection (a) of this Section, the Department
14 may issue a rule to show cause why an order to cease and desist
15 should not be entered against that person, ~~association,~~
16 ~~partnership, corporation, or other legal entity~~. The rule shall
17 clearly set forth the grounds relied upon by the Department and
18 shall provide a period of 7 days from the date of the rule to
19 file an answer to the satisfaction of the Department. Failure
20 to answer to the satisfaction of the Department shall cause an
21 order to cease and desist to be issued immediately.

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

1 (d) All moneys collected under this Section shall be
2 deposited into the General Professions Dedicated Fund.

3 (Source: P.A. 94-414, eff. 12-31-05.)

4 (225 ILCS 425/5) (from Ch. 111, par. 2008)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 5. Application for original license. Application for
7 an original license registration shall be made to the Secretary
8 Director on forms provided by the Department, shall be
9 accompanied by the required fee and shall state:

10 (1) the applicant's name and address;

11 (2) the names and addresses of the officers of the
12 collection agency and, if the collection agency is a
13 corporation, the names and addresses of all persons owning
14 10% or more of the stock of such corporation, if the
15 collection agency is a partnership, the names and addresses
16 of all partners of the partnership holding a 10% or more
17 interest in the partnership, ~~and,~~ if the collection agency
18 is a limited liability company, the names and addresses of
19 all members holding 10% or more interest in the limited
20 liability company, and if the collection agency is any
21 other legal business entity, the names and addresses of all
22 persons owning 10% or more interest in the entity; and

23 (3) such other information as the Department may deem
24 necessary.

25 (Source: P.A. 94-414, eff. 12-31-05.)

1 (225 ILCS 425/7) (from Ch. 111, par. 2010)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 7. Qualifications for license. In order to be
4 qualified to obtain a license or a renewal license ~~certificate~~
5 ~~or a renewal certificate~~ under this Act, a collection agency's
6 officers shall:

7 (a) be of good moral character and of the age of 18 years
8 or more;

9 (b) (blank); and ~~have had at least one year experience~~
10 ~~working in the credit field or a related area, or be qualified~~
11 ~~for an original license under Section 6 (c) of this Act;~~

12 (c) have an acceptable credit rating, have no unsatisfied
13 judgments; and not have been officers and owners of 10% or more
14 interest of a former licensee or registrant under this Act
15 whose licenses or certificates were suspended or revoked
16 without subsequent reinstatement.

17 (Source: P.A. 89-387, eff. 1-1-96.)

18 (225 ILCS 425/8) (from Ch. 111, par. 2011)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 8. Bond requirement. ~~A Before issuing a certificate or~~
21 ~~renewing one, the Director shall require each~~ collection agency
22 shall be required to file and maintain in force a surety bond,
23 issued by an insurance company authorized to transact fidelity
24 and surety business in the State of Illinois. The bond shall be

1 for the benefit of creditors who obtain a judgment from a court
2 of competent jurisdiction based on the failure of the agency to
3 remit money collected on account and owed to the creditor. No
4 action on the bond shall be commenced more than one year after
5 the creditor obtains a judgment against the collection agency
6 from a court of competent jurisdiction. The bond shall be in
7 the form prescribed by the Secretary ~~Director~~ in the sum of
8 \$25,000. The bond shall be continuous in form and run
9 concurrently with the original and each renewal license period
10 unless terminated by the insurance company. An insurance
11 company may terminate a bond and avoid further liability by
12 filing a 60-day notice of termination with the Department and
13 at the same time sending the same notice to the agency. A
14 license ~~certificate of registration~~ shall be cancelled on the
15 termination date of the agency's bond unless a new bond is
16 filed with the Department to become effective at the
17 termination date of the prior bond. If a license ~~certificate of~~
18 ~~registration~~ has been cancelled under this Section, the agency
19 must file a new application and will be considered a new
20 applicant if it obtains a new bond.

21 (Source: P.A. 84-242.)

22 (225 ILCS 425/8a) (from Ch. 111, par. 2011a)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 8a. Fees.

25 (a) ~~The Department shall provide by rule for a schedule of~~

1 fees for the administration and enforcement of this Act,
2 including but not limited to original licensure, renewal, and
3 restoration, shall be set by the Department by rule. The fees
4 shall be nonrefundable.

5 (b) All fees collected under this Act shall be deposited
6 into the General Professions Dedicated Fund and shall be
7 appropriated to the Department for the ordinary and contingent
8 expenses of the Department in the administration of this Act.

9 (Source: P.A. 91-454, eff. 1-1-00.)

10 (225 ILCS 425/8b) (from Ch. 111, par. 2011b)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 8b. Assignment for collection. An account may be
13 assigned to a collection agency for collection with title
14 passing to the collection agency to enable collection of the
15 account in the agency's name as assignee for the creditor
16 provided:

17 (a) The assignment is manifested by a written agreement,
18 separate from and in addition to any document intended for the
19 purpose of listing a debt with a collection agency. The
20 document manifesting the assignment shall specifically state
21 and include:

22 (i) the effective date of the assignment; and

23 (ii) the consideration for the assignment.

24 (b) The consideration for the assignment may be paid or
25 given either before or after the effective date of the

1 assignment. The consideration may be contingent upon the
2 settlement or outcome of litigation and if the debt claim being
3 assigned has been listed with the collection agency as an
4 account for collection, the consideration for assignment may be
5 the same as the fee for collection.

6 (c) All assignments shall be voluntary and properly
7 executed and acknowledged by the corporate authority or
8 individual transferring title to the collection agency before
9 any action can be taken in the name of the collection agency.

10 (d) No assignment shall be required by any agreement to
11 list a debt with a collection agency as an account for
12 collection.

13 (e) No litigation shall commence in the name of the
14 licensee as plaintiff unless: (i) there is an assignment of the
15 account that satisfies the requirements of this Section and
16 (ii) the licensee is represented by a licensed attorney at law.

17 (f) If a collection agency takes assignments of accounts
18 from 2 or more creditors against the same debtor and commences
19 litigation against that debtor in a single action, in the name
20 of the collection agency, then (i) the complaint must be stated
21 in separate counts for each assignment and (ii) the debtor has
22 an absolute right to have any count severed from the rest of
23 the action.

24 (Source: P.A. 89-387, eff. 1-1-96.)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 8c. (a) Each licensed collection agency ~~office~~ shall
3 at all times maintain a separate bank account in which all
4 monies received on debts ~~claims~~ shall be deposited, referred to
5 as a "Trust Account", except that negotiable instruments
6 received may be forwarded directly to a creditor if such
7 procedure is provided for by a writing executed by the
8 creditor. Monies received shall be so deposited within 5
9 business days after posting to the agency's books of account.

10 There shall be sufficient funds in the trust account at all
11 times to pay the creditors the amount due them.

12 (b) The trust account shall be established in a bank,
13 savings and loan association, or other recognized depository
14 which is federally or State insured or otherwise secured as
15 defined by rule. Such account may be interest bearing. The
16 licensee shall pay to the creditor interest earned on funds on
17 deposit after the sixtieth day.

18 (c) Notwithstanding any contractual arrangement, every
19 client of a licensee shall within 60 days after the close of
20 each calendar month, account and pay to the licensee collection
21 agency all sums owed to the collection agency for payments
22 received by the client during that calendar month on debts
23 ~~claims~~ in possession of the collection agency. If a client
24 fails to pay the licensee any sum due under this Section, the
25 licensee shall, in addition to other remedies provided by law,
26 have the right to offset any money due the licensee under this

1 Section against any moneys due the client.

2 (d) Each collection agency shall keep on file the name of
3 the bank, savings and loan association, or other recognized
4 depository in which each trust account is maintained, the name
5 of each trust account, and the names of the persons authorized
6 to withdraw funds from each account.

7 The collection agency, within 30 days of the time of a
8 change of depository or person authorized to make withdrawal,
9 shall update its files to reflect such change.

10 An examination and audit of an agency's trust accounts may
11 be made by the Department as the Department deems appropriate.

12 A trust account financial report shall be submitted
13 annually on forms provided by the Department.

14 (Source: P.A. 89-387, eff. 1-1-96.)

15 (225 ILCS 425/9) (from Ch. 111, par. 2012)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 9. Disciplinary actions.

18 (a) The Department may refuse to issue or renew, or may
19 revoke, suspend, place on probation, reprimand or take other
20 disciplinary or non-disciplinary action as the Department may
21 deem proper, including fines ~~not to exceed \$5,000 for a first~~
22 ~~violation and~~ not to exceed \$10,000 per violation ~~for a second~~
23 ~~or subsequent violation~~, for any one or any combination of the
24 following causes:

25 (1) Material misstatement in furnishing information to

1 the Department.

2 (2) ~~(1)~~ Violations of this Act or of the rules
3 promulgated hereunder.

4 (3) ~~(2)~~ Conviction by plea of guilty or nolo
5 contendere, finding of guilt, jury verdict, or entry of
6 judgment or by sentencing of any crime, including, but not
7 limited to, convictions, preceding sentences of
8 supervision, conditional discharge, or first offender
9 probation of the collection agency or any of the officers
10 or owners of more than 10% interest principals of the
11 agency of any crime under the laws of any U.S. jurisdiction
12 that (i) is a felony, (ii) is a misdemeanor, an essential
13 element of which is dishonesty, or (iii) is directly
14 related to the practice of a collection agency any U.S.
15 jurisdiction which is a felony, a misdemeanor an essential
16 element of which is dishonesty, or of any crime which
17 directly relates to the practice of the profession.

18 (4) Fraud or ~~(3) Making any~~ misrepresentation in
19 applying for, or procuring, a license under this Act or in
20 connection with applying for renewal of ~~for the purpose of~~
21 ~~obtaining~~ a license under this Act ~~or certificate.~~

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

24 (6) Failing, within 60 days, to provide information in
25 response to a written request made by the Department.

26 (7) ~~(4)~~ Habitual or excessive use or addiction to

1 alcohol, narcotics, stimulants or any other chemical agent
2 or drug which results in the inability to practice with
3 reasonable judgment, skill, or safety by any of the
4 officers or owners of 10% or more interest ~~principals~~ of a
5 collection agency.

6 (8) ~~(5)~~ Discipline by another state, the District of
7 Columbia, a territory of the United States, U.S.
8 ~~jurisdiction~~ or a foreign nation, if at least one of the
9 grounds for the discipline is the same or substantially
10 equivalent to those set forth in this Act.

11 (9) ~~(6)~~ A finding by the Department that the licensee,
12 after having his license placed on probationary status, has
13 violated the terms of probation.

14 (10) Willfully making or filing false records or
15 reports in his or her practice, including, but not limited
16 to, false records filed with State agencies or departments.

17 (11) ~~(7)~~ Practicing or attempting to practice under a
18 false or, except as provided by law, an assumed name ~~a name~~
19 ~~other than the name as shown on his or her license or any~~
20 ~~other legally authorized name.~~

21 (12) ~~(8)~~ A finding by the Federal Trade Commission that
22 a licensee violated the federal ~~Federal~~ Fair Debt ~~and~~
23 Collection Practices Act or its rules.

24 (13) ~~(9)~~ Failure to file a return, or to pay the tax,
25 penalty or interest shown in a filed return, or to pay any
26 final assessment of tax, penalty or interest, as required

1 by any tax Act administered by the Illinois Department of
2 Revenue until such time as the requirements of any such tax
3 Act are satisfied.

4 (14) ~~(10)~~ Using or threatening to use force or violence
5 to cause physical harm to a debtor, his or her family or
6 his or her property.

7 (15) ~~(11)~~ Threatening to instigate an arrest or
8 criminal prosecution where no basis for a criminal
9 complaint lawfully exists.

10 (16) ~~(12)~~ Threatening the seizure, attachment or sale
11 of a debtor's property where such action can only be taken
12 pursuant to court order without disclosing that prior court
13 proceedings are required.

14 (17) ~~(13)~~ Disclosing or threatening to disclose
15 information adversely affecting a debtor's reputation for
16 credit worthiness with knowledge the information is false.

17 (18) ~~(14)~~ Initiating or threatening to initiate
18 communication with a debtor's employer unless there has
19 been a default of the payment of the obligation for at
20 least 30 days and at least 5 days prior written notice, to
21 the last known address of the debtor, of the intention to
22 communicate with the employer has been given to the
23 employee, except as expressly permitted by law or court
24 order.

25 (19) ~~(15)~~ Communicating with the debtor or any member
26 of the debtor's family at such a time of day or night and

1 with such frequency as to constitute harassment of the
2 debtor or any member of the debtor's family. For purposes
3 of this Section the following conduct shall constitute
4 harassment:

5 (A) Communicating with the debtor or any member of
6 his or her family in connection with the collection of
7 any debt without the prior consent of the debtor given
8 directly to the debt collector, or the express
9 permission of a court of competent jurisdiction, at any
10 unusual time or place or a time or place known or which
11 should be known to be inconvenient to the debtor. In
12 the absence of knowledge of circumstances to the
13 contrary, a debt collector shall assume that the
14 convenient time for communicating with a consumer is
15 after 8 o'clock a.m. and before 9 o'clock p.m. local
16 time at the debtor's location.

17 (B) The threat of publication or publication of a
18 list of consumers who allegedly refuse to pay debts,
19 except to a consumer reporting agency.

20 (C) The threat of advertisement or advertisement
21 for sale of any debt to coerce payment of the debt.

22 (D) Causing a telephone to ring or engaging any
23 person in telephone conversation repeatedly or
24 continuously with intent to annoy, abuse, or harass any
25 person at the called number.

26 (20) ~~(16)~~ Using profane, obscene or abusive language in

1 communicating with a debtor, his or her family or others.

2 (21) ~~(17)~~ Disclosing or threatening to disclose
3 information relating to a debtor's debt ~~indebtedness~~ to any
4 other person except where such other person has a
5 legitimate business need for the information or except
6 where such disclosure is permitted ~~regulated~~ by law.

7 (22) ~~(18)~~ Disclosing or threatening to disclose
8 information concerning the existence of a debt which the
9 collection agency ~~debt collector~~ knows to be ~~reasonably~~
10 disputed by the debtor without disclosing the fact that the
11 debtor disputes the debt.

12 (23) ~~(19)~~ Engaging in any conduct that is ~~which the~~
13 ~~Director finds was~~ intended to cause and did cause mental
14 or physical illness to the debtor or his or her family.

15 (24) ~~(20)~~ Attempting or threatening to enforce a right
16 or remedy with knowledge or reason to know that the right
17 or remedy does not exist.

18 (25) ~~(21)~~ Failing to disclose to the debtor or his or
19 her family the corporate, partnership or proprietary name,
20 or other trade or business name, under which the collection
21 agency ~~debt collector~~ is engaging in debt collections and
22 which he or she is legally authorized to use.

23 (26) ~~(22)~~ Using any form of communication which
24 simulates legal or judicial process or which gives the
25 appearance of being authorized, issued or approved by a
26 governmental agency or official or by an attorney at law

1 when it is not.

2 (27) ~~(23)~~ Using any badge, uniform, or other indicia of
3 any governmental agency or official except as authorized by
4 law.

5 (28) ~~(24)~~ Conducting business under any name or in any
6 manner which suggests or implies that the collection agency
7 ~~a debt collector~~ is ~~bonded if such collector is or is~~ a
8 branch of or is affiliated in with any way with a
9 governmental agency or court if such collection agency
10 ~~collector~~ is not.

11 (29) ~~(25)~~ Failing to disclose, at the time of making
12 any demand for payment, the name of the person to whom the
13 debt claim is owed and at the request of the debtor, the
14 address where payment is to be made and the address of the
15 person to whom the debt claim is owed.

16 (30) ~~(26)~~ Misrepresenting the amount of the ~~claim or~~
17 debt alleged to be owed.

18 (31) ~~(27)~~ Representing that an existing debt may be
19 increased by the addition of attorney's fees,
20 investigation fees or any other fees or charges when such
21 fees or charges may not legally be added to the existing
22 debt.

23 (32) ~~(28)~~ Representing that the collection agency ~~debt~~
24 ~~collector~~ is an attorney at law or an agent for an attorney
25 if he or she is not.

26 (33) ~~(29)~~ Collecting or attempting to collect any

1 interest or other charge or fee in excess of the actual
2 debt ~~or claim~~ unless such interest or other charge or fee
3 is expressly authorized by the agreement creating the debt
4 ~~or claim~~ unless expressly authorized by law or unless in a
5 commercial transaction such interest or other charge or fee
6 is expressly authorized in a subsequent agreement. If a
7 contingency or hourly fee arrangement (i) is established
8 under an agreement between a collection agency and a
9 creditor to collect a debt and (ii) is paid by a debtor
10 pursuant to a contract between the debtor and the creditor,
11 then that fee arrangement does not violate this Section
12 unless the fee is unreasonable. The Department shall
13 determine what constitutes a reasonable collection fee.

14 (34) ~~(30)~~ Communicating or threatening to communicate
15 with a debtor when the collection agency ~~debt collector~~ is
16 informed in writing by an attorney that the attorney
17 represents the debtor concerning the debt claim, ~~unless~~
18 ~~authorized by the attorney~~. If the attorney fails to
19 respond within a reasonable period of time, the collector
20 may communicate with the debtor. The collector may
21 communicate with the debtor when the attorney gives his or
22 her consent.

23 (35) ~~(31)~~ Engaging in dishonorable, unethical, or
24 unprofessional conduct of a character likely to deceive,
25 defraud, or harm the public.

26 (b) The Department shall deny any license or renewal

1 authorized by this Act to any person who has defaulted on an
2 educational loan guaranteed by the Illinois State Scholarship
3 Commission; however, the Department may issue a license or
4 renewal if the person in default has established a satisfactory
5 repayment record as determined by the Illinois State
6 Scholarship Commission.

7 No collection agency ~~debt collector~~ while collecting or
8 attempting to collect a debt shall engage in any of the Acts
9 specified in this Section, each of which shall be unlawful
10 practice.

11 (Source: P.A. 94-414, eff. 12-31-05.)

12 (225 ILCS 425/9.1)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 9.1. Communication with persons other than debtor. Any
15 ~~debt collector or~~ collection agency communicating with any
16 person other than the debtor for the purpose of acquiring
17 location information about the debtor shall:

18 (1) identify himself or herself, state that he or she
19 is confirming or correcting location information
20 concerning the consumer, and, ~~only if expressly requested,~~
21 identify his or her employer;

22 (2) not state that the consumer owes any debt;

23 (3) not communicate with any person more than once
24 unless requested to do so by the person or unless the ~~debt~~
25 ~~collector or~~ collection agency reasonably believes that

1 the earlier response of the person is erroneous or
2 incomplete and that the person now has correct or complete
3 location information;

4 (4) not communicate by postcard;

5 (5) not use any language or symbol on any envelope or
6 in the contents of any communication effected by mail or
7 telegram that indicates that the ~~debt collector or~~
8 collection agency is in the debt collection business or
9 that the communication relates to the collection of a debt;
10 and

11 (6) not communicate with any person other than the
12 attorney after the ~~debt collector or~~ collection agency
13 knows the debtor is represented by an attorney with regard
14 to the subject debt and has knowledge of or can readily
15 ascertain the attorney's name and address, ~~not communicate~~
16 ~~with any person other than the attorney,~~ unless the
17 attorney fails to respond within a reasonable period of
18 time, not less than 30 days, to communication from the ~~debt~~
19 ~~collector or~~ collection agency.

20 (Source: P.A. 95-437, eff. 1-1-08; 95-876, eff. 8-21-08.)

21 (225 ILCS 425/9.2)

22 (Section scheduled to be repealed on January 1, 2016)

23 Sec. 9.2. Communication in connection with debt
24 collection.

25 (a) Without the prior consent of the debtor given directly

1 to the ~~debt collector or~~ collection agency or the express
2 permission of a court of competent jurisdiction, a ~~debt~~
3 ~~collector or~~ collection agency may not communicate with a
4 debtor in connection with the collection of any debt in any of
5 the following circumstances:

6 (1) At any unusual time, place, or manner that is known
7 or should be known to be inconvenient to the debtor. In the
8 absence of knowledge of circumstances to the contrary, a
9 ~~debt collector or~~ collection agency shall assume that the
10 convenient time for communicating with a debtor is after
11 8:00 ~~8 o'clock~~ a.m. and before 9:00 ~~9 o'clock~~ p.m. local
12 time at the debtor's location.

13 (2) If the ~~debt collector or~~ collection agency knows
14 the debtor is represented by an attorney with respect to
15 such debt and has knowledge of or can readily ascertain,
16 the attorney's name and address, unless the attorney fails
17 to respond within a reasonable period of time to a
18 communication from the ~~debt collector or~~ collection agency
19 or unless the attorney consents to direct communication
20 with the debtor.

21 (3) At the debtor's place of employment, if the ~~debt~~
22 ~~collector or~~ collection agency knows or has reason to know
23 that the debtor's employer prohibits the debtor from
24 receiving such communication.

25 (b) Except as provided in Section 9.1 of this Act, without
26 the prior consent of the debtor given directly to the ~~debt~~

1 ~~collector or~~ collection agency, ~~or~~ the express permission of a
2 court of competent jurisdiction, ~~or~~ as reasonably necessary to
3 effectuate a post judgment judicial remedy, a ~~debt collector or~~
4 collection agency may not communicate, in connection with the
5 collection of any debt, with any person other than the debtor,
6 the debtor's attorney, a consumer reporting agency if otherwise
7 permitted by law, the creditor, the attorney of the creditor,
8 or the attorney of the collection agency.

9 (c) If a debtor notifies a ~~debt collector or~~ collection
10 agency in writing that the debtor refuses to pay a debt or that
11 the debtor wishes the ~~debt collector or~~ collection agency to
12 cease further communication with the debtor, the ~~debt collector~~
13 ~~or~~ collection agency may not communicate further with the
14 debtor with respect to such debt, except to perform any of the
15 following tasks:

16 (1) Advise the debtor that the ~~debt collector's or~~
17 collection agency's further efforts are being terminated.

18 (2) Notify the debtor that the collection agency or
19 creditor may invoke specified remedies that are ordinarily
20 invoked by such collection agency or creditor.

21 (3) Notify the debtor that the collection agency or
22 creditor intends to invoke a specified remedy.

23 If such notice from the debtor is made by mail,
24 notification shall be complete upon receipt.

25 (d) For the purposes of this Section, "debtor" includes the
26 debtor's spouse, parent (if the debtor is a minor), guardian,

1 executor, or administrator.

2 (Source: P.A. 95-437, eff. 1-1-08.)

3 (225 ILCS 425/9.3)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 9.3. Validation of debts.

6 (a) Within 5 days after the initial communication with a
7 debtor in connection with the collection of any debt, a ~~debt~~
8 ~~collector or~~ collection agency shall, unless the following
9 information is contained in the initial communication or the
10 debtor has paid the debt, send the debtor a written notice with
11 each of the following disclosures:

12 (1) The amount of the debt.

13 (2) The name of the creditor to whom the debt is owed.

14 (3) That, unless the debtor, within 30 days after
15 receipt of the notice, disputes the validity of the debt,
16 or any portion thereof, the debt will be assumed to be
17 valid by the ~~debt collector or~~ collection agency.

18 (4) That, if the debtor notifies the ~~debt collector or~~
19 collection agency in writing within the 30-day period that
20 the debt, or any portion thereof, is disputed, the ~~debt~~
21 ~~collector or~~ collection agency will obtain verification of
22 the debt or a copy of a judgment against the debtor and a
23 copy of the verification or judgment will be mailed to the
24 debtor by the ~~debt collector or~~ collection agency.

25 (5) The ~~That upon the debtor's written request within~~

1 ~~the 30 day period, the debt collector or~~ collection agency
2 will provide the debtor with the name and address of the
3 original creditor, if different from the current creditor.
4 If the disclosures required under this subsection (a) are
5 placed on the back of the notice, the front of the notice
6 shall contain a statement notifying debtors of that fact.

7 (b) If the debtor notifies the ~~debt collector or~~ collection
8 agency in writing within the 30-day period set forth in
9 paragraph (3) of subsection (a) of this Section that the debt,
10 or any portion thereof, is disputed ~~or that the debtor requests~~
11 ~~the name and address of the original creditor,~~ the ~~debt~~
12 ~~collector or~~ collection agency shall cease collection of the
13 debt, or any disputed portion thereof, until the ~~debt collector~~
14 ~~or~~ collection agency obtains verification of the debt or a copy
15 of a judgment ~~or the name and address of the original creditor~~
16 and mails a copy of the verification or judgment ~~or name and~~
17 ~~address of the original creditor~~ to the debtor.

18 (c) The failure of a debtor to dispute the validity of a
19 debt under this Section shall not be construed by any court as
20 an admission of liability by the debtor.

21 (Source: P.A. 95-437, eff. 1-1-08.)

22 (225 ILCS 425/9.4)

23 (Section scheduled to be repealed on January 1, 2016)

24 Sec. 9.4. Debt collection as a result of identity theft.

25 (a) Upon receipt from a debtor of all of the following

1 information, a ~~debt collector or~~ collection agency must cease
2 collection activities until completion of the review provided
3 in subsection (d) of this Section:

4 (1) A copy of a police report filed by the debtor
5 alleging that the debtor is the victim of an identity theft
6 crime for the specific debt being collected by the
7 collection agency ~~debt collector~~.

8 (2) The debtor's written statement that the debtor
9 claims to be the victim of identity theft with respect to
10 the specific debt being collected by the collection agency
11 ~~debt collector~~, including (i) a Federal Trade Commission's
12 Affidavit of Identity Theft, (ii) an Illinois Attorney
13 General ID Theft Affidavit, or (iii) a written statement
14 that certifies that the representations are true, correct,
15 and contain no material omissions of fact to the best
16 knowledge and belief of the person submitting the
17 certification. This written statement must contain or be
18 accompanied by, each of the following, to the extent that
19 an item listed below is relevant to the debtor's allegation
20 of identity theft with respect to the debt in question:

21 (A) A statement that the debtor is a victim of
22 identity theft.

23 (B) A copy of the debtor's driver's license or
24 identification card, as issued by this State.

25 (C) Any other identification document that
26 supports the statement of identity theft.

1 (D) Specific facts supporting the claim of
2 identity theft, if available.

3 (E) Any explanation showing that the debtor did not
4 incur the debt.

5 (F) Any available correspondence disputing the
6 debt after transaction information has been provided
7 to the debtor.

8 (G) Documentation of the residence of the debtor at
9 the time of the alleged debt, which may include copies
10 of bills and statements, such as utility bills, tax
11 statements, or other statements from businesses sent
12 to the debtor and showing that the debtor lived at
13 another residence at the time the debt was incurred.

14 (H) A telephone number for contacting the debtor
15 concerning any additional information or questions or
16 direction that further communications to the debtor be
17 in writing only, with the mailing address specified in
18 the statement.

19 (I) To the extent the debtor has information
20 concerning who may have incurred the debt, the
21 identification of any person whom the debtor believes
22 is responsible.

23 (J) An express statement that the debtor did not
24 authorize the use of the debtor's name or personal
25 information for incurring the debt.

26 (b) A written certification submitted pursuant to item

1 (iii) of paragraph (2) of subsection (a) of this Section shall
2 be sufficient if it is in substantially the following form:

3 "I certify that the representations made are true, correct,
4 and contain no material omissions of fact known to me.

5 (Signature)

6 (Date)"

7 (c) If a debtor notifies a ~~debt collector or~~ collection
8 agency orally that he or she is a victim of identity theft, the
9 ~~debt collector or~~ collection agency shall notify the debtor
10 orally or in writing, that the debtor's claim must be in
11 writing. If a debtor notifies a ~~debt collector or~~ collection
12 agency in writing that he or she is a victim of identity theft,
13 but omits information required pursuant to this Section, and if
14 the ~~debt collector or~~ collection agency continues ~~does not~~
15 ~~cease~~ collection activities, the ~~debt collector or~~ collection
16 agency must provide written notice to the debtor of the
17 additional information that is required or send the debtor a
18 copy of the Federal Trade Commission's ~~Affidavit of~~ Identity
19 Theft Affidavit form.

20 (d) Upon receipt of the complete statement and information
21 described in subsection (a) of this Section, the collection
22 agency ~~debt collector~~ shall review and consider all of the
23 information provided by the debtor and other information

1 available to the ~~debt collector or~~ collection agency in its
2 file or from the creditor. The ~~debt collector or~~ collection
3 agency may recommence debt collection activities only upon
4 making a good faith determination that the information does not
5 establish that the debtor is not responsible for the specific
6 debt in question. The ~~debt collector or~~ collection agency must
7 notify the debtor ~~consumer~~ in writing of that determination and
8 the basis for that determination before proceeding with any
9 further collection activities. The ~~debt collector's or~~
10 collection agency's determination shall be based on all of the
11 information provided by the debtor and other information
12 available to the ~~debt collector or~~ collection agency in its
13 file or from the creditor.

14 (e) No inference or presumption that the debt is valid or
15 invalid or that the debtor is liable or not liable for the debt
16 may arise if the ~~debt collector or~~ collection agency decides
17 after the review described in subsection (d) to cease or
18 recommence the debt collection activities. The exercise or
19 non-exercise of rights under this Section is not a waiver of
20 any other right or defense of the debtor or collection agency
21 ~~debt collector~~.

22 (f) A ~~debt collector or~~ collection agency that (i) ceases
23 collection activities under this Section, (ii) does not
24 recommence those collection activities, and (iii) furnishes
25 adverse information to a consumer credit reporting agency, must
26 notify the consumer credit reporting agency to delete that

1 adverse information.

2 (Source: P.A. 95-437, eff. 1-1-08.)

3 (225 ILCS 425/9.5)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 9.5. Statute of limitations. No action may be filed
6 against any licensee ~~registrant~~ for violation of the terms of
7 this Act or its rules unless the action is commenced within 5
8 years after the occurrence of the alleged violation. A
9 continuing violation will be deemed to have occurred on the
10 date when the circumstances first existed which gave rise to
11 the alleged continuing violation.

12 (Source: P.A. 89-387, eff. 1-1-96.)

13 (225 ILCS 425/9.7)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 9.7. Enforcement under the Consumer Fraud and
16 Deceptive Business Practices Act. The Attorney General may
17 enforce the knowing violation of Section 9 (except for items
18 (2) through (4), (7) through (9), (11) through (13), and (23)
19 ~~(1) through (9) and (19)~~ of subsection (a)), 9.1, 9.2, 9.3, or
20 9.4 of this Act as an unlawful practice under the Consumer
21 Fraud and Deceptive Business Practices Act.

22 (Source: P.A. 95-437, eff. 1-1-08.)

23 (225 ILCS 425/9.22) (from Ch. 111, par. 2034)

1 (Section scheduled to be repealed on January 1, 2016)

2 Sec. 9.22. Administrative Procedure Act. The Illinois
3 Administrative Procedure Act is hereby expressly adopted and
4 incorporated herein as if all of the provisions of that Act
5 were included in this Act, except that the provision of
6 subsection (d) of Section 10-65 of the Illinois Administrative
7 Procedure Act that provides that at hearings the licensee has
8 the right to show compliance with all lawful requirements for
9 retention, continuation or renewal of the license is
10 specifically excluded. For the purposes of this Act the notice
11 required under Section 10-25 of the Administrative Procedure
12 Act is deemed sufficient when mailed to the ~~last known~~ address
13 of record of a party.

14 (Source: P.A. 88-45.)

15 (225 ILCS 425/11) (from Ch. 111, par. 2036)

16 (Section scheduled to be repealed on January 1, 2016)

17 Sec. 11. Informal conferences. Informal conferences shall
18 be conducted with at least one member of the ~~Licensing and~~
19 ~~Disciplinary~~ Board in attendance. Notwithstanding any
20 provisions concerning the conduct of hearings and
21 recommendations for disciplinary actions, the Department has
22 the authority to negotiate agreements with licensees
23 ~~registrants~~ and applicants resulting in disciplinary or
24 non-disciplinary consent orders. The consent orders may
25 provide for any of the forms of discipline provided in this

1 Act. The consent orders shall provide that they were not
2 entered into as a result of any coercion by the Department.

3 (Source: P.A. 89-387, eff. 1-1-96.)

4 (225 ILCS 425/13.1) (from Ch. 111, par. 2038.1)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 13.1. Collection Agency Licensing and Disciplinary
7 Board; members; qualifications; duties.

8 (a) There is created in the Department the Collection
9 Agency Licensing and Disciplinary Board composed of 7 members
10 appointed by the Secretary ~~Director~~. Five members of the Board
11 shall be employed in a collection agency licensed ~~registered~~
12 under this Act and 2 members of the Board shall represent the
13 general public, ~~and~~ shall not be employed by or possess an
14 ownership interest in any collection agency licensed
15 ~~registered~~ under this Act, and shall have no family or business
16 connection with the practice of collection agencies.

17 (b) Each of the members appointed to the Board, except for
18 the public members, shall have at least 5 years of active
19 collection agency experience.

20 (c) The Board shall annually elect a chairperson ~~chairman~~
21 from among its members ~~and shall meet at least twice each year.~~
22 The members of the Board shall receive no compensation for
23 their services, but shall be reimbursed for their necessary
24 ~~actual~~ expenses as authorized by the Department while engaged
25 in ~~in~~ ~~in the performance of~~ their duties.

1 (d) Members shall serve for a term of 4 years and until
2 their successors are appointed and qualified. No Board member,
3 ~~after the effective date of this amendatory Act of 1995,~~ shall
4 be appointed to more than 2 full consecutive terms. A partial
5 term of more than 2 years shall be considered a full term ~~The~~
6 ~~initial terms created by this amendatory Act of 1995 shall~~
7 ~~count as full terms for the purposes of reappointment to the~~
8 ~~Board.~~ Appointments to fill vacancies for the unexpired portion
9 of a vacated term shall be made in the same manner as original
10 appointments. All members shall serve until their successors
11 are appointed and qualified.

12 (e) The Secretary may remove any member of the Board for
13 cause at any time before the expiration of his or her term. The
14 Secretary shall be the sole arbiter of cause.

15 (f) The majority of the Board shall constitute a quorum. A
16 vacancy in the membership of the Board shall not impair the
17 right of a quorum to exercise all the duties of the Board.

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

21 ~~The appointments of those Board members currently~~
22 ~~appointed shall end upon the effective date of this amendatory~~
23 ~~Act of 1995, and those Board members currently sitting at the~~
24 ~~effective date of this amendatory Act of 1995, shall be~~
25 ~~reappointed to the following terms by and in the discretion of~~
26 ~~the Director:~~

1 ~~(1) one member shall be appointed for one year;~~

2 ~~(2) two members shall be appointed to serve 2 years;~~

3 ~~(3) two members shall be appointed to serve 3 years;~~

4 and

5 ~~(4) two members shall be appointed to serve for 4~~
6 ~~years.~~

7 ~~All members shall serve until their successors are appointed~~
8 ~~and qualified.~~

9 ~~The Board members appointed to terms by this amendatory Act~~
10 ~~of 1995 shall be appointed as soon as possible after the~~
11 ~~effective date of this amendatory Act of 1995.~~

12 (Source: P.A. 89-387, eff. 1-1-96.)

13 (225 ILCS 425/13.2) (from Ch. 111, par. 2038.2)

14 (Section scheduled to be repealed on January 1, 2016)

15 Sec. 13.2. Powers and duties of Department. The Department
16 shall exercise the powers and duties prescribed by the Civil
17 Administrative Code of Illinois for the administration of
18 licensing Acts and shall exercise such other powers and duties
19 necessary for effectuating the purposes of this Act.

20 ~~The Director shall promulgate rules consistent with the~~
21 ~~provisions of this Act, for its administration and enforcement,~~
22 ~~and may prescribe forms which shall be issued in connection~~
23 ~~therewith. The rules shall include standards and criteria for~~
24 ~~licensure and certification, and professional conduct and~~
25 ~~discipline.~~

1 ~~The Department shall consult with the Board in promulgating~~
2 ~~rules.~~

3 Subject to the provisions of this Act, the Department may:

4 (1) Conduct hearings on proceedings to refuse to issue
5 or renew or to revoke licenses or suspend, place on
6 probation, or reprimand persons licensed under this Act.

7 (2) Formulate rules required for the administration of
8 this Act.

9 (3) Obtain written recommendations from the Board
10 regarding standards of professional conduct, formal
11 disciplinary actions and the formulation of rules
12 affecting these matters. Notice of proposed rulemaking
13 shall be transmitted to the Board and the Department shall
14 review the Board's responses and any recommendations made
15 therein. ~~The Department shall notify the Board in writing~~
16 ~~with explanations of deviations from the Board's~~
17 ~~recommendations and responses.~~ The Department may ~~shall~~
18 solicit the advice of the Board on any matter relating to
19 the administration and enforcement of this Act.

20 (4) Maintain rosters of the names and addresses of all
21 licensees and all persons whose licenses have been
22 suspended, revoked, or denied renewal for cause within the
23 previous calendar year. These rosters shall be available
24 upon written request and payment of the required fee as
25 established by rule.

26 (Source: P.A. 86-615.)

1 (225 ILCS 425/14a) (from Ch. 111, par. 2039a)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 14a. Unlicensed practice; Injunctions. The practice
4 as a collection agency by any person ~~entity~~ not holding a valid
5 and current license under this Act is declared to be inimical
6 to the public welfare, to constitute a public nuisance, and to
7 cause irreparable harm to the public welfare. The Secretary
8 ~~Director~~, the Attorney General, the State's Attorney of any
9 county in the State, or any person may maintain an action in
10 the name of the People of the State of Illinois, and may apply
11 for injunctive relief in any circuit court to enjoin such
12 entity from engaging in such practice. Upon the filing of a
13 verified petition in such court, the court, if satisfied by
14 affidavit or otherwise that such entity has been engaged in
15 such practice without a valid and current license, may enter a
16 temporary restraining order without notice or bond, enjoining
17 the defendant from such further practice. Only the showing of
18 non-licensure ~~nonlicensure~~, by affidavit or otherwise, is
19 necessary in order for a temporary injunction to issue. A copy
20 of the verified complaint shall be served upon the defendant
21 and the proceedings shall thereafter be conducted as in other
22 civil cases except as modified by this Section. If it is
23 established that the defendant has been or is engaged in such
24 unlawful practice, the court may enter an order or judgment
25 perpetually enjoining the defendant from further practice. In

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

11 (Source: P.A. 86-615.)

12 (225 ILCS 425/14b) (from Ch. 111, par. 2039b)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 14b. Penalty of unlawful practice; Second and
15 subsequent offenses. Any entity that practices or offers to
16 practice as a collection agency in this State without being
17 licensed for that purpose, or whose license is ~~has been~~
18 suspended, ~~or~~ revoked, or expired, or that violates any of the
19 provisions of this Act for which no specific penalty has been
20 provided herein, is guilty of a Class A misdemeanor.

21 Any entity that has been previously convicted under any of
22 the provisions of this Act and that subsequently violates any
23 of the provisions of this Act is guilty of a Class 4 felony. In
24 addition, whenever any entity is punished as a subsequent
25 offender under this Section, the Secretary ~~Director~~ shall

1 proceed to obtain a permanent injunction against such entity
2 under Section 14a of this Act.

3 (Source: P.A. 86-615.)

4 (225 ILCS 425/16)

5 (Section scheduled to be repealed on January 1, 2016)

6 Sec. 16. Investigation; notice and hearing. The Department
7 may investigate the actions or qualifications of any applicant
8 or of any person rendering or offering to render collection
9 agency services or any person ~~or persons~~ holding or claiming to
10 hold a license as a collection agency certificate of
11 registration. The Department shall, before refusing to issue or
12 renew, ~~suspending or~~ revoking, suspending, placing on
13 probation, reprimanding, or taking any other disciplinary
14 action under Section 9 of this Act ~~any certificate of~~
15 registration, at least 30 days before the date set for the
16 hearing, (i) notify the accused in writing of the charges made
17 and the time and place for the hearing on the charges, (ii) ~~of~~
18 the charges before the Board, direct him or her to file his or
19 her written answer ~~thereto~~ to the charges with the Department
20 under oath ~~Board~~ within 20 days after the service on him or her
21 of the notice, and (iii) inform the accused ~~him or her~~ that if
22 he or she fails to file an answer default will be taken against
23 him or her or ~~and~~ his or her license certificate of
24 registration may be suspended, ~~or~~ revoked, or placed on
25 probation, or other disciplinary action may be taken with

1 regard to the license, including limiting the scope, nature, or
2 extent of his or her practice, as the Department may consider
3 proper. ~~This written notice may be served by personal delivery~~
4 ~~or certified mail to the respondent at the address of his or~~
5 ~~her last notification to the Department. In case the person~~
6 ~~fails to file an answer after receiving notice, his or her~~
7 ~~license or certificate may, in the discretion of the~~
8 ~~Department, be suspended, revoked, or placed on probationary~~
9 ~~status, or the Department may take whatever disciplinary action~~
10 ~~is considered proper, including limiting the scope, nature, or~~
11 ~~extent of the person's practice or the imposition of a fine,~~
12 ~~without a hearing, if the act or acts charged constitute~~
13 ~~sufficient grounds for such action under this Act. The written~~
14 ~~answer shall be served by personal delivery, certified~~
15 ~~delivery, or certified or registered mail to the Department. At~~
16 ~~the time and place fixed in the notice, the Department shall~~
17 ~~proceed to hear the charges. The parties or their counsel shall~~
18 ~~be accorded ample opportunity to present any pertinent~~
19 ~~statements, testimony, evidence, and arguments ~~as may be~~~~
20 ~~pertinent to the charges or to the defense thereto. The~~
21 ~~Department may continue the hearing from time to time Board~~
22 ~~shall be notified and may attend.~~ Nothing in this Section shall
23 be construed to require that a hearing be commenced and
24 completed in one day. At the discretion of the Secretary
25 ~~Director~~, after having first received the recommendation of the
26 Board, the accused person's license ~~certificate~~ of

1 ~~registration~~ may be suspended or revoked, if the evidence
2 constitutes sufficient grounds for such action under this Act.
3 If the person fails to file an answer after receiving notice,
4 his or her license may, in the discretion of the Department, be
5 suspended, revoked, or placed on probation, or the Department
6 may take whatever disciplinary action it considers proper,
7 including limiting the scope, nature, or extent of the person's
8 practice or the imposition of a fine, without a hearing, if the
9 act or acts charged constitute sufficient grounds for such
10 action under this Act. This written notice may be served by
11 personal delivery or certified mail to the respondent at the
12 address of record.

13 (Source: P.A. 89-387, eff. 1-1-96.)

14 (225 ILCS 425/17)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 17. Record of hearing; transcript. The Department, at
17 its expense, shall preserve a record of all proceedings at the
18 formal hearing of any case. The notice of hearing, complaint,
19 all ~~and~~ other documents in the nature of pleadings, ~~and~~ written
20 motions filed in the proceedings, the transcript of testimony,
21 the report of the Board, and orders of the Department shall be
22 in the record of the proceedings. If the respondent orders from
23 the reporting service and pays for a transcript of the record
24 within the time for filing a motion for rehearing under Section
25 20, the 20 calendar day period within which a motion may be

1 filed shall commence upon the delivery of the transcript to the
2 respondent ~~The Department shall furnish a transcript of the~~
3 ~~record to any person interested in the hearing upon payment of~~
4 ~~the fee required under Section 2105-115 of the Department of~~
5 ~~Professional Regulation Law (20 ILCS 2105/2105-115).~~

6 (Source: P.A. 91-239, eff. 1-1-00.)

7 (225 ILCS 425/18)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 18. Subpoenas; oaths; attendance of witnesses.

10 (a) The Department has ~~shall have~~ the power to subpoena
11 documents, books, records, or other materials and to bring
12 before it any person and to take testimony either orally or by
13 deposition, or both, with the same fees and mileage and in the
14 same manner as prescribed in civil cases in the courts of this
15 State.

16 (b) The Secretary ~~Director~~, the designated hearing
17 officer, and every member of the Board has ~~shall have~~ power to
18 administer oaths to witnesses at any hearing that the
19 Department is authorized to conduct and any other oaths
20 authorized in any Act administered by the Department.

21 (c) Any circuit court may, upon application of the
22 Department or designee or of the applicant or licensee,
23 ~~registrant, or person holding a certificate of registration~~
24 against whom proceedings under this Act are pending, enter an
25 order requiring the attendance of witnesses and their

1 testimony, and the production of documents, papers, files,
2 books, and records in connection with any hearing or
3 investigations. The court may compel obedience to its order by
4 proceedings for contempt.

5 (Source: P.A. 89-387, eff. 1-1-96.)

6 (225 ILCS 425/19)

7 (Section scheduled to be repealed on January 1, 2016)

8 Sec. 19. Findings and recommendations ~~Board report~~. At the
9 conclusion of the hearing, the Board shall present to the
10 Secretary ~~Director~~ a written report of its findings of fact,
11 conclusions of law, and recommendations. The report shall
12 contain a finding whether or not the accused person violated
13 this Act or the rules adopted under this Act or failed to
14 comply with the conditions required in this Act or those rules.
15 The Board shall specify the nature of the violation or failure
16 to comply and shall make its recommendations to the Secretary
17 ~~Director~~.

18 The report of findings of fact, conclusions of law, and
19 recommendation of the Board shall be the basis for the
20 Department's order for refusing to issue, restore, or renew a
21 license, or otherwise disciplining a licensee, refusal or for
22 the granting of a license ~~certificate of registration~~. If the
23 Secretary ~~Director~~ disagrees ~~in any regard~~ with the report,
24 findings of fact, conclusions of law, and recommendations
25 ~~report~~ of the Board, the Secretary ~~Director~~ may issue an order

1 in contravention of the Board's recommendations ~~report~~. ~~The~~
2 ~~Director shall provide a written report to the Board on any~~
3 ~~deviation and shall specify with particularity the reasons for~~
4 ~~that action in the final order~~. The finding is not admissible
5 in evidence against the person in a criminal prosecution
6 brought for the violation of this Act, but the hearing and
7 finding are ~~is~~ not a bar to a criminal prosecution brought for
8 the violation of this Act.

9 (Source: P.A. 89-387, eff. 1-1-96.)

10 (225 ILCS 425/20)

11 (Section scheduled to be repealed on January 1, 2016)

12 Sec. 20. Board; rehearing ~~Motion for rehearing~~. At the
13 conclusion of the hearing ~~In any hearing involving the~~
14 ~~discipline of a registrant~~, a copy of the Board's report shall
15 be served upon the applicant or licensee ~~respondent~~ by the
16 Department, either personally or as provided in this Act for
17 the service of the notice of hearing. Within 20 calendar days
18 after the service, the applicant or licensee ~~respondent~~ may
19 present to the Department a motion in writing for a rehearing
20 which shall specify the particular grounds for rehearing. The
21 Department may respond to the motion for rehearing within 20
22 days after its service on the Department, and the applicant or
23 licensee may reply within 7 days thereafter. If no motion for
24 rehearing is filed, then upon the expiration of the time
25 specified for filing a motion, or if a motion for rehearing is

1 denied, then upon denial, the Secretary ~~Director~~ may enter an
2 order in accordance with the recommendations of the Board,
3 except as provided for in Section 19. If the applicant or
4 licensee ~~respondent~~ orders a transcript of the record from the
5 reporting service and pays for it within the time for filing a
6 motion for rehearing, the 20 ~~calendar~~ day period within which a
7 motion for rehearing may be filed shall commence upon the
8 delivery of the transcript to the applicant or licensee
9 ~~respondent~~.

10 (Source: P.A. 89-387, eff. 1-1-96.)

11 (225 ILCS 425/21)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 21. Secretary; rehearing ~~Rehearing~~. Whenever the
14 Secretary ~~Director~~ is not satisfied that substantial justice
15 has been done in the revocation, suspension, or refusal to
16 issue, restore, or renew a license, or other discipline of an
17 applicant or licensee ~~a certificate of registration~~, the
18 Secretary ~~Director~~ may order a rehearing by the same or other
19 examiners.

20 (Source: P.A. 89-387, eff. 1-1-96.)

21 (225 ILCS 425/22)

22 (Section scheduled to be repealed on January 1, 2016)

23 Sec. 22. Appointment of a hearing ~~Hearing~~ officer. The
24 Secretary ~~has~~ ~~Director shall have~~ the authority to appoint any

1 attorney duly licensed to practice law in the State of Illinois
2 to serve as the hearing officer in any action for refusal to
3 issue, restore, or renew a license ~~certificate of registration~~
4 or to discipline a licensee ~~registrant or person holding a~~
5 ~~certificate of registration~~. The hearing officer shall have
6 full authority to conduct the hearing. A Board member or
7 members may, but are not required to, attend hearings. The
8 hearing officer shall report his or her findings of fact,
9 conclusions of law, and recommendations to the Board ~~and the~~
10 ~~Director~~. The Board shall ~~have 60 calendar days from receipt of~~
11 ~~the report to~~ review the report of the hearing officer and
12 present its findings of fact, conclusions of law, and
13 recommendations to the Secretary and to all parties to the
14 proceeding ~~Director~~. ~~If the Board fails to present its report~~
15 ~~within the 60 calendar day period, the Director may issue an~~
16 ~~order based on the report of the hearing officer.~~ If the
17 Secretary ~~Director~~ disagrees with the recommendation of the
18 Board or of the hearing officer, the Secretary ~~Director~~ may
19 issue an order in contravention of the recommendation.

20 (Source: P.A. 89-387, eff. 1-1-96.)

21 (225 ILCS 425/23)

22 (Section scheduled to be repealed on January 1, 2016)

23 Sec. 23. Order or ~~+~~ certified copy; prima facie proof. An
24 order or a certified copy thereof ~~of an order~~, over the seal of
25 the Department and purporting to be signed by the Secretary

1 ~~Director~~, shall be prima facie proof that ~~of the following:~~

2 (1) ~~That~~ the signature is the genuine signature of the
3 Secretary; Director.

4 (2) ~~That~~ the Secretary ~~Director~~ is duly appointed and
5 qualified; and ~~=~~

6 (3) ~~That~~ the Board and its ~~the Board~~ members are qualified
7 to act.

8 (Source: P.A. 89-387, eff. 1-1-96.)

9 (225 ILCS 425/24)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 24. Restoration of license from discipline
12 ~~certificate of registration~~. At any time after the successful
13 completion of a term of indefinite probation, suspension, or
14 revocation of any license ~~certificate of registration~~, the
15 Department may restore the license ~~certificate of registration~~
16 to the licensee, ~~accused person~~ upon the written recommendation
17 of the Board, unless after an investigation and a hearing the
18 Secretary ~~Board~~ determines that restoration is not in the
19 public interest. No person whose license or authority has been
20 revoked as authorized in this Act may apply for restoration of
21 that license or authority until such time as provided for in
22 the Department of Professional Regulation Law of the Civil
23 Administrative Code of Illinois.

24 (Source: P.A. 89-387, eff. 1-1-96.)

1 (225 ILCS 425/25)

2 (Section scheduled to be repealed on January 1, 2016)

3 Sec. 25. Surrender of license ~~certificate of registration~~.

4 Upon the revocation or suspension of any license, ~~certificate~~
5 ~~of registration~~ the licensee ~~registrant~~ shall immediately
6 surrender the license ~~certificate of registration~~ to the
7 Department. If the licensee ~~registrant~~ fails to do so, the
8 Department shall have the right to seize the license
9 ~~certificate of registration~~.

10 (Source: P.A. 89-387, eff. 1-1-96.)"; and

11 (225 ILCS 425/26)

12 (Section scheduled to be repealed on January 1, 2016)

13 Sec. 26. Administrative review; venue ~~Review Law~~.

14 (a) All final administrative decisions of the Department
15 are subject to judicial review under the Administrative Review
16 Law and its rules. The term "administrative decision" is
17 defined as in Section 3-101 of the Code of Civil Procedure.

18 (b) Proceedings for judicial review shall be commenced in
19 the circuit court of the county in which the party applying for
20 review resides, but if the party is not a resident of Illinois
21 ~~this State~~, the venue shall be in Sangamon County.

22 (Source: P.A. 89-387, eff. 1-1-96.)

23 (225 ILCS 425/27)

24 (Section scheduled to be repealed on January 1, 2016)

1 Sec. 27. Certifications ~~Certification~~ of record; costs
2 ~~receipt~~. The Department shall not be required to certify any
3 record to the court or file any answer in court or otherwise
4 appear in any court in a judicial review proceeding, unless and
5 until ~~there is filed in the court, with the complaint, a~~
6 ~~receipt from~~ the Department has received from the plaintiff
7 ~~acknowledging~~ payment of the costs of furnishing and certifying
8 the record, which costs shall be determined by the Department.
9 Failure on the part of the plaintiff to file a receipt in court
10 shall be grounds for dismissal of the action.

11 (Source: P.A. 89-387, eff. 1-1-96.)

12 (225 ILCS 425/30 new)

13 Sec. 30. Expiration, renewal, and restoration of license.
14 The expiration date and renewal period for each license shall
15 be set by rule. A collection agency whose license has expired
16 may reinstate its license at any time within 5 years after the
17 expiration thereof, by making a renewal application and by
18 paying the required fee.

19 However, any licensed collection agency whose license has
20 expired while the individual licensed or while a shareholder,
21 partner, or member owning 50% or more of the interest in the
22 collection agency whose license has expired while he or she was
23 (i) on active duty with the Armed Forces of the United States
24 or called into service or training by the State militia; or
25 (ii) in training or education under the supervision of the

1 United States preliminary to induction into the military
2 service, may have his or her license renewed, restored, or
3 reinstated without paying any lapsed renewal fee, restoration
4 fee, or reinstatement fee if, within 2 years after termination
5 of the service, training, or education, he or she furnishes the
6 Department with satisfactory evidence of service, training, or
7 education and it has been terminated under honorable
8 conditions.

9 Any collection agency whose license has expired for more
10 than 5 years may have it restored by applying to the
11 Department, paying the required fee, and filing acceptable
12 proof of fitness to have the license restored as set by rule.

13 (225 ILCS 425/35 new)

14 Sec. 35. Returned checks; fines. Any person who delivers a
15 check or other payment to the Department that is returned to
16 the Department unpaid by the financial institution upon which
17 it is drawn shall pay to the Department, in addition to the
18 amount already owed to the Department, a fine of \$50. The fines
19 imposed by this Section are in addition to any other discipline
20 provided under this Act for unlicensed practice or practice on
21 a non-renewed license. The Department shall notify the entity
22 that payment of fees and fines shall be paid to the Department
23 by certified check or money order within 30 calendar days of
24 the notification. If, after the expiration of 30 days from the
25 date of notification, the person has failed to submit the

1 necessary remittance, the Department shall automatically
2 terminate the license or deny the application, without hearing.
3 If, after the termination or denial, the entity seeks a
4 license, it shall apply to the Department for restoration or
5 issuance of the license and pay all fees and fines due to the
6 Department. The Department may establish a fee for the
7 processing of an application for restoration of a license to
8 pay all expenses of processing this application. The Secretary
9 may waive the fines due under this Section in individual cases
10 where the Secretary finds that the fines would be unreasonable
11 or unnecessarily burdensome.

12 (225 ILCS 425/40 new)

13 Sec. 40. Unlicensed practice; cease and desist. Whenever,
14 in the opinion of the Department, a person violates any
15 provision of this Act, the Department may issue a rule to show
16 cause why an order to cease and desist should not be entered
17 against that person. The rule shall clearly set forth the
18 grounds relied upon by the Department and shall allow at least
19 7 days from the date of the rule to file an answer satisfactory
20 to the Department. Failure to answer to the satisfaction of the
21 Department shall cause an order to cease and desist to be
22 issued.

23 (225 ILCS 425/45 new)

24 Sec. 45. Summary suspension of license. The Secretary may

1 summarily suspend the license of a licensed collection agency
2 without a hearing, simultaneously with the institution of
3 proceedings for a hearing provided for in Section 16 of this
4 Act, if the Secretary finds that evidence in the Secretary's
5 possession indicates that the continuation of practice by a
6 licensed collection agency would constitute an imminent danger
7 to the public. In the event that the Secretary summarily
8 suspends the license of a licensed collection agency without a
9 hearing, a hearing must be commenced within 30 days after the
10 suspension has occurred and concluded as expeditiously as
11 practical.

12 (225 ILCS 425/50 new)

13 Sec. 50. Consent order. At any point in the proceedings as
14 provided in Sections 9.5, 11, 14a, 16, and 45, both parties may
15 agree to a negotiated consent order. The consent order shall be
16 final upon signature of the Secretary.

17 (225 ILCS 425/55 new)

18 Sec. 55. Confidentiality. All information collected by the
19 Department in the course of an examination or investigation of
20 a licensee or applicant, including, but not limited to, any
21 complaint against a licensee filed with the Department and
22 information collected to investigate any such complaint, shall
23 be maintained for the confidential use of the Department and
24 shall not be disclosed other than in the course of a formal

1 hearing as determined by the Department. The Department may not
2 disclose the information to anyone other than law enforcement
3 officials, other regulatory agencies that have an appropriate
4 regulatory interest as determined by the Secretary, or a party
5 presenting a lawful subpoena to the Department. Information and
6 documents disclosed to a federal, State, county, or local law
7 enforcement agency shall not be disclosed by the agency for any
8 purpose to any other agency or person. A formal complaint filed
9 against the licensee by the Department or any order issued by
10 the Department against a licensee or applicant shall be a
11 public record, except as otherwise prohibited by law.

12 (225 ILCS 425/6 rep.)

13 (225 ILCS 425/6a rep.)

14 (225 ILCS 425/10 rep.)

15 (225 ILCS 425/13 rep.)

16 (225 ILCS 425/13.3 rep.)

17 (225 ILCS 425/14 rep.)

18 Section 950. The Collection Agency Act is amended by
19 repealing Sections 6, 6a, 10, 13, 13.3, and 14.

20 Section 955. The Real Estate License Act of 2000 is amended
21 by changing Sections 1-10, 5-5, 5-10, 5-15, 5-20, 5-26, 5-27,
22 5-28, 5-32, 5-35, 5-41, 5-50, 5-60, 5-70, 10-10, 10-15, 15-5,
23 20-10, 20-20, 20-21, 20-22, 20-85, 25-10, 25-25, 30-15, and
24 35-5 as follows:

1 (225 ILCS 454/1-10)

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

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

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

6 "Address of Record" means the designated address recorded
7 by the Department in the applicant's or licensee's application
8 file or license file as maintained by the Department's
9 licensure maintenance unit. It is the duty of the applicant or
10 licensee to inform the Department of any change of address, and
11 those changes must be made either through the Department's
12 website or by contacting the Department.

13 "Advisory Council" means the Real Estate Education
14 Advisory Council created under Section 30-10 of this Act.

15 "Agency" means a relationship in which a ~~real estate~~ broker
16 or licensee, whether directly or through an affiliated
17 licensee, represents a consumer by the consumer's consent,
18 whether express or implied, in a real property transaction.

19 "Applicant" means any person, as defined in this Section,
20 who applies to the Department for a valid license as a managing
21 ~~real estate~~ broker, broker ~~real estate salesperson~~, or leasing
22 agent.

23 "Blind advertisement" means any real estate advertisement
24 that does not include the sponsoring broker's business name and
25 that is used by any licensee regarding the sale or lease of

1 real estate, including his or her own, licensed activities, or
2 the hiring of any licensee under this Act. The broker's
3 business name in the case of a franchise shall include the
4 franchise affiliation as well as the name of the individual
5 firm.

6 "Board" means the Real Estate Administration and
7 Disciplinary Board of the Department as created by Section
8 25-10 of this Act.

9 "Branch office" means a sponsoring broker's office other
10 than the sponsoring broker's principal office.

11 "Broker" means an individual, partnership, limited
12 liability company, corporation, or registered limited
13 liability partnership other than a ~~real estate salesperson or~~
14 leasing agent who, whether in person or through any media or
15 technology, for another and for compensation, or with the
16 intention or expectation of receiving compensation, either
17 directly or indirectly:

18 (1) Sells, exchanges, purchases, rents, or leases real
19 estate.

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

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

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

1 (5) Buys, sells, offers to buy or sell, or otherwise
2 deals in options on real estate or improvements thereon.

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

5 (7) Advertises or represents himself or herself as
6 being engaged in the business of buying, selling,
7 exchanging, renting, or leasing real estate.

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

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

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

16 (11) Sells, leases, or offers for sale or lease real
17 estate at auction.

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

22 "Brokerage agreement" means a written or oral agreement
23 between a sponsoring broker and a consumer for licensed
24 activities to be provided to a consumer in return for
25 compensation or the right to receive compensation from another.
26 Brokerage agreements may constitute either a bilateral or a

1 unilateral agreement between the broker and the broker's client
2 depending upon the content of the brokerage agreement. All
3 exclusive brokerage agreements shall be in writing.

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

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

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

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

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

8 (1) commissions;

9 (2) referral fees;

10 (3) bonuses;

11 (4) prizes;

12 (5) merchandise;

13 (6) finder fees;

14 (7) performance of services;

15 (8) coupons or gift certificates;

16 (9) discounts;

17 (10) rebates;

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

21 (12) retainer fee; or

22 (13) salary.

23 "Confidential information" means information obtained by a
24 licensee from a client during the term of a brokerage agreement
25 that (i) was made confidential by the written request or
26 written instruction of the client, (ii) deals with the

1 negotiating position of the client, or (iii) is information the
2 disclosure of which could materially harm the negotiating
3 position of the client, unless at any time:

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

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

7 (3) the information becomes public from a source other
8 than the licensee.

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

12 "Consumer" means a person or entity seeking or receiving
13 licensed activities.

14 "Continuing education school" means any person licensed by
15 the Department as a school for continuing education in
16 accordance with Section 30-15 of this Act.

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

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

22 "Customer" means a consumer who is not being represented by
23 the licensee but for whom the licensee is performing
24 ministerial acts.

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

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

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

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

15 "Employee" or other derivative of the word "employee", when
16 used to refer to, describe, or delineate the relationship
17 between a ~~real estate~~ broker and a ~~real estate salesperson~~,
18 another ~~real estate~~ broker, or a leasing agent, shall be
19 construed to include an independent contractor relationship,
20 provided that a written agreement exists that clearly
21 establishes and states the relationship. All responsibilities
22 of a broker shall remain.

23 "Escrow moneys" means all moneys, promissory notes or any
24 other type or manner of legal tender or financial consideration
25 deposited with any person for the benefit of the parties to the
26 transaction. A transaction exists once an agreement has been

1 reached and an accepted real estate contract signed or lease
2 agreed to by the parties. Escrow moneys includes without
3 limitation earnest moneys and security deposits, except those
4 security deposits in which the person holding the security
5 deposit is also the sole owner of the property being leased and
6 for which the security deposit is being held.

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

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

17 "Inoperative" means a status of licensure where the
18 licensee holds a current license under this Act, but the
19 licensee is prohibited from engaging in licensed activities
20 because the licensee is unsponsored or the license of the
21 sponsoring broker with whom the licensee is associated or by
22 whom he or she is employed is currently expired, revoked,
23 suspended, or otherwise rendered invalid under this Act.

24 "Interactive delivery method" means delivery of a course by
25 an instructor through a medium allowing for 2-way communication
26 between the instructor and a student in which either can

1 initiate or respond to questions.

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

4 "Leasing Agent" means a person who is employed by a ~~real~~
5 ~~estate~~ broker to engage in licensed activities limited to
6 leasing residential real estate who has obtained a license as
7 provided for in Section 5-5 of this Act.

8 "License" means the document issued by the Department
9 certifying that the person named thereon has fulfilled all
10 requirements prerequisite to licensure under this Act.

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

13 "Licensee" means any person, as defined in this Section,
14 who holds a valid unexpired license as a managing ~~real estate~~
15 broker, broker ~~real estate salesperson~~, or leasing agent.

16 "Listing presentation" means a communication between a
17 managing ~~real estate~~ broker or broker ~~salesperson~~ and a
18 consumer in which the licensee is attempting to secure a
19 brokerage agreement with the consumer to market the consumer's
20 real estate for sale or lease.

21 "Managing broker" means a broker who has supervisory
22 responsibilities for licensees in one or, in the case of a
23 multi-office company, more than one office and who has been
24 appointed as such by the sponsoring broker.

25 "Medium of advertising" means any method of communication
26 intended to influence the general public to use or purchase a

1 particular good or service or real estate.

2 "Ministerial acts" means those acts that a licensee may
3 perform for a consumer that are informative or clerical in
4 nature and do not rise to the level of active representation on
5 behalf of a consumer. Examples of these acts include without
6 limitation (i) responding to phone inquiries by consumers as to
7 the availability and pricing of brokerage services, (ii)
8 responding to phone inquiries from a consumer concerning the
9 price or location of property, (iii) attending an open house
10 and responding to questions about the property from a consumer,
11 (iv) setting an appointment to view property, (v) responding to
12 questions of consumers walking into a licensee's office
13 concerning brokerage services offered or particular
14 properties, (vi) accompanying an appraiser, inspector,
15 contractor, or similar third party on a visit to a property,
16 (vii) describing a property or the property's condition in
17 response to a consumer's inquiry, (viii) completing business or
18 factual information for a consumer on an offer or contract to
19 purchase on behalf of a client, (ix) showing a client through a
20 property being sold by an owner on his or her own behalf, or
21 (x) referral to another broker or service provider.

22 "Office" means a ~~real-estate~~ broker's place of business
23 where the general public is invited to transact business and
24 where records may be maintained and licenses displayed, whether
25 or not it is the broker's principal place of business.

26 "Person" means and includes individuals, entities,

1 corporations, limited liability companies, registered limited
2 liability partnerships, and partnerships, foreign or domestic,
3 except that when the context otherwise requires, the term may
4 refer to a single individual or other described entity.

5 "Personal assistant" means a licensed or unlicensed person
6 who has been hired for the purpose of aiding or assisting a
7 sponsored licensee in the performance of the sponsored
8 licensee's job.

9 "Pocket card" means the card issued by the Department to
10 signify that the person named on the card is currently licensed
11 under this Act.

12 "Pre-license school" means a school licensed by the
13 Department offering courses in subjects related to real estate
14 transactions, including the subjects upon which an applicant is
15 examined in determining fitness to receive a license.

16 "Pre-renewal period" means the period between the date of
17 issue of a currently valid license and the license's expiration
18 date.

19 "Proctor" means any person, including, but not limited to,
20 an instructor, who has a written agreement to administer
21 examinations fairly and impartially with a licensed
22 pre-license school or a licensed continuing education school.

23 "Real estate" means and includes leaseholds as well as any
24 other interest or estate in land, whether corporeal,
25 incorporeal, freehold, or non-freehold, including timeshare
26 interests, and whether the real estate is situated in this

1 State or elsewhere.

2 "Regular employee" means a person working an average of 20
3 hours per week for a person or entity who would be considered
4 as an employee under the Internal Revenue Service eleven main
5 tests in three categories being behavioral control, financial
6 control and the type of relationship of the parties, formerly
7 the twenty factor test.

8 ~~"Salesperson" means any individual, other than a real~~
9 ~~estate broker or leasing agent, who is employed by a real~~
10 ~~estate broker or is associated by written agreement with a real~~
11 ~~estate broker as an independent contractor and participates in~~
12 ~~any activity described in the definition of "broker" under this~~
13 ~~Section.~~

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

17 "Sponsoring broker" means the broker who has issued a
18 sponsor card to a licensed managing broker ~~salesperson~~, another
19 licensed broker, or a leasing agent.

20 "Sponsor card" means the temporary permit issued by the
21 sponsoring ~~real estate~~ broker certifying that the managing ~~real~~
22 ~~estate~~ broker, broker ~~real estate salesperson~~, or leasing agent
23 named thereon is employed by or associated by written agreement
24 with the sponsoring ~~real estate~~ broker, as provided for in
25 Section 5-40 of this Act.

26 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15.)

1 (225 ILCS 454/5-5)

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

3 Sec. 5-5. Leasing agent license.

4 (a) The purpose of this Section is to provide for a limited
5 scope license to enable persons who wish to engage in
6 activities limited to the leasing of residential real property
7 for which a license is required under this Act, and only those
8 activities, to do so by obtaining the license provided for
9 under this Section.

10 (b) Notwithstanding the other provisions of this Act, there
11 is hereby created a leasing agent license that shall enable the
12 licensee to engage only in residential leasing activities for
13 which a license is required under this Act. Such activities
14 include without limitation leasing or renting residential real
15 property, or attempting, offering, or negotiating to lease or
16 rent residential real property, or supervising the collection,
17 offer, attempt, or agreement to collect rent for the use of
18 residential real property. Nothing in this Section shall be
19 construed to require a licensed managing ~~real estate~~ broker or
20 broker ~~salesperson~~ to obtain a leasing agent license in order
21 to perform leasing activities for which a license is required
22 under this Act. Licensed leasing agents must be sponsored and
23 employed by a sponsoring broker.

24 (c) The Department, by rule shall provide for the licensing
25 of leasing agents, including the issuance, renewal, and

1 administration of licenses.

2 (d) Notwithstanding any other provisions of this Act to the
3 contrary, a person may engage in residential leasing activities
4 for which a license is required under this Act, for a period of
5 120 consecutive days without being licensed, so long as the
6 person is acting under the supervision of a licensed ~~real~~
7 ~~estate~~ broker and the broker has notified the Department that
8 the person is pursuing licensure under this Section. During the
9 120 day period all requirements of Sections 5-10 and 5-65 of
10 this Act with respect to education, successful completion of an
11 examination, and the payment of all required fees must be
12 satisfied. The Department may adopt rules to ensure that the
13 provisions of this subsection are not used in a manner that
14 enables an unlicensed person to repeatedly or continually
15 engage in activities for which a license is required under this
16 Act.

17 (Source: P.A. 96-856, eff. 12-31-09.)

18 (225 ILCS 454/5-10)

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

20 Sec. 5-10. Requirements for license as leasing agent.

21 (a) Every applicant for licensure as a leasing agent must
22 meet the following qualifications:

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

24 (2) be of good moral character;

25 (3) successfully complete a 4-year course of study in a

1 high school or secondary school or an equivalent course of
2 study approved by the Illinois State Board of Education;

3 (4) personally take and pass a written examination
4 authorized by the Department sufficient to demonstrate the
5 applicant's knowledge of the provisions of this Act
6 relating to leasing agents and the applicant's competence
7 to engage in the activities of a licensed leasing agent;

8 (5) provide satisfactory evidence of having completed
9 15 hours of instruction in an approved course of study
10 relating to the leasing of residential real property. The
11 course of study shall, among other topics, cover the
12 provisions of this Act applicable to leasing agents; fair
13 housing issues relating to residential leasing;
14 advertising and marketing issues; leases, applications,
15 and credit reports; owner-tenant relationships and
16 owner-tenant laws; the handling of funds; and
17 environmental issues relating to residential real
18 property;

19 (6) complete any other requirements as set forth by
20 rule; and

21 (7) present a valid application for issuance of an
22 initial license accompanied by a sponsor card and the fees
23 specified by rule.

24 (b) No applicant shall engage in any of the activities
25 covered by this Act until a valid sponsor card has been issued
26 to such applicant. The sponsor card shall be valid for a

1 maximum period of 45 days after the date of issuance unless
2 extended for good cause as provided by rule.

3 (c) Successfully completed course work, completed pursuant
4 to the requirements of this Section, may be applied to the
5 course work requirements to obtain a managing ~~real estate~~
6 broker's or broker's ~~salesperson's~~ license as provided by rule.
7 The Advisory Council may recommend through the Board to the
8 Department and the Department may adopt requirements for
9 approved courses, course content, and the approval of courses,
10 instructors, and schools, as well as school and instructor
11 fees. The Department may establish continuing education
12 requirements for licensed leasing agents, by rule, with the
13 advice of the Advisory Council and Board.

14 (Source: P.A. 96-856, eff. 12-31-09.)

15 (225 ILCS 454/5-15)

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

17 Sec. 5-15. Necessity of managing broker, broker,
18 ~~salesperson,~~ or leasing agent license or sponsor card;
19 ownership restrictions.

20 (a) It is unlawful for any person, corporation, limited
21 liability company, registered limited liability partnership,
22 or partnership to act as a managing broker, ~~real estate~~ broker,
23 ~~real estate salesperson,~~ or leasing agent or to advertise or
24 assume to act as such broker, ~~salesperson,~~ or leasing agent
25 without a properly issued sponsor card or a license issued

1 under this Act by the Department, either directly or through
2 its authorized designee.

3 (b) No corporation shall be granted a license or engage in
4 the business or capacity, either directly or indirectly, of a
5 ~~real estate~~ broker, unless every officer of the corporation who
6 actively participates in the real estate activities of the
7 corporation holds a license as a managing broker or broker and
8 unless every employee who acts as a ~~salesperson, or~~ leasing
9 agent for the corporation holds a license as a broker, ~~7~~
10 ~~salesperson, or~~ leasing agent.

11 (c) No partnership shall be granted a license or engage in
12 the business or serve in the capacity, either directly or
13 indirectly, of a ~~real estate~~ broker, unless every general
14 partner in the partnership holds a license as a managing broker
15 or broker and unless every employee who acts as a ~~salesperson~~
16 ~~or~~ leasing agent for the partnership holds a license as a
17 managing broker, broker, ~~salesperson, or~~ leasing agent. In the
18 case of a registered limited liability partnership (LLP), every
19 partner in the LLP must hold a license as a managing broker or
20 broker and every employee who acts as a ~~salesperson or~~ leasing
21 agent must hold a license as a managing broker, broker,
22 ~~salesperson, or~~ leasing agent.

23 (d) No limited liability company shall be granted a license
24 or engage in the business or serve in the capacity, either
25 directly or indirectly, of a broker unless every manager in the
26 limited liability company or every member in a member managed

1 limited liability company holds a license as a managing broker
2 or broker and unless every other member and employee who acts
3 as a ~~salesperson or~~ leasing agent for the limited liability
4 company holds a license as a managing broker, broker,
5 ~~salesperson,~~ or leasing agent.

6 (e) No partnership, limited liability company, or
7 corporation shall be licensed to conduct a brokerage business
8 where an individual ~~salesperson or~~ leasing agent, or group of
9 ~~salespersons or~~ leasing agents, owns or directly or indirectly
10 controls more than 49% of the shares of stock or other
11 ownership in the partnership, limited liability company, or
12 corporation.

13 (Source: P.A. 96-856, eff. 12-31-09.)

14 (225 ILCS 454/5-20)

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

16 Sec. 5-20. Exemptions from managing broker, broker,
17 ~~salesperson,~~ or leasing agent license requirement. The
18 requirement for holding a license under this Article 5 shall
19 not apply to:

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

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

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

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

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

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

26 (6) Any officer or employee of the State government or

1 any political subdivision thereof performing official
2 duties.

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

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

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

22 (10) Any resident lessee of a residential dwelling unit
23 who refers for compensation to the owner of the dwelling
24 unit, or to the owner's agent, prospective lessees of
25 dwelling units in the same building or complex as the
26 resident lessee's unit, but only if the resident lessee (i)

1 refers no more than 3 prospective lessees in any 12-month
2 period, (ii) receives compensation of no more than \$1,500
3 or the equivalent of one month's rent, whichever is less,
4 in any 12-month period, and (iii) limits his or her
5 activities to referring prospective lessees to the owner,
6 or the owner's agent, and does not show a residential
7 dwelling unit to a prospective lessee, discuss terms or
8 conditions of leasing a dwelling unit with a prospective
9 lessee, or otherwise participate in the negotiation of the
10 leasing of a dwelling unit.

11 (11) An exchange company registered under the Real
12 Estate Timeshare Act of 1999 and the regular employees of
13 that registered exchange company but only when conducting
14 an exchange program as defined in that Act.

15 (12) An existing timeshare owner who, for
16 compensation, refers prospective purchasers, but only if
17 the existing timeshare owner (i) refers no more than 20
18 prospective purchasers in any calendar year, (ii) receives
19 no more than \$1,000, or its equivalent, for referrals in
20 any calendar year and (iii) limits his or her activities to
21 referring prospective purchasers of timeshare interests to
22 the developer or the developer's employees or agents, and
23 does not show, discuss terms or conditions of purchase or
24 otherwise participate in negotiations with regard to
25 timeshare interests.

26 (13) Any person who is licensed without examination

1 under Section 10-25 (now repealed) of the Auction License
2 Act is exempt from holding a managing broker's or broker's
3 ~~salesperson's~~ license under this Act for the limited
4 purpose of selling or leasing real estate at auction, so
5 long as:

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

8 (B) that person verifies to the Department that he
9 or she has sold real estate at auction for a period of
10 5 years prior to licensure as an auctioneer;

11 (C) the person has had no lapse in his or her
12 license as an auctioneer; and

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

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

22 (15) A hotel operator who is registered with the
23 Illinois Department of Revenue and pays taxes under the
24 Hotel Operators' Occupation Tax Act and rents a room or
25 rooms in a hotel as defined in the Hotel Operators'
26 Occupation Tax Act for a period of not more than 30

1 consecutive days and not more than 60 days in a calendar
2 year.

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

4 (225 ILCS 454/5-26)

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

6 Sec. 5-26. License Requirements for license as a
7 salesperson.

8 ~~(a) Every applicant for licensure as a salesperson must~~
9 ~~meet the following qualifications:~~

10 ~~(1) Be at least 21 years of age. The minimum age of 21~~
11 ~~years shall be waived for any person seeking a license as a~~
12 ~~real estate salesperson who has attained the age of 18 and~~
13 ~~can provide evidence of the successful completion of at~~
14 ~~least 4 semesters of post secondary school study as a~~
15 ~~full time student or the equivalent, with major emphasis on~~
16 ~~real estate courses, in a school approved by the~~
17 ~~Department;~~

18 ~~(2) Be of good moral character;~~

19 ~~(3) Successfully complete a 4-year course of study in a~~
20 ~~high school or secondary school approved by the Illinois~~
21 ~~State Board of Education or an equivalent course of study~~
22 ~~as determined by an examination conducted by the Illinois~~
23 ~~State Board of Education, which shall be verified under~~
24 ~~oath by the applicant;~~

25 ~~(4) Provide satisfactory evidence of having completed~~

1 ~~at least 45 hours of instruction in real estate courses~~
2 ~~approved by the Advisory Council, except applicants who are~~
3 ~~currently admitted to practice law by the Supreme Court of~~
4 ~~Illinois and are currently in active standing;~~

5 ~~(5) Personally take and pass a written examination~~
6 ~~authorized by the Department; and~~

7 ~~(6) Present a valid application for issuance of a~~
8 ~~license accompanied by a sponsor card and the fees~~
9 ~~specified by rule.~~

10 ~~(b) No applicant shall engage in any of the activities~~
11 ~~covered by this Act until a valid sponsor card has been issued~~
12 ~~to the applicant. The sponsor card shall be valid for a maximum~~
13 ~~period of 45 days after the date of issuance unless extended~~
14 ~~for good cause as provided by rule.~~

15 ~~(c) All licenses should be readily available to the public~~
16 ~~at their sponsoring place of business.~~

17 ~~(d) No new salesperson licenses shall be issued after April~~
18 ~~30, 2011 and all existing salesperson licenses shall terminate~~
19 ~~on May 1, 2012.~~

20 (Source: P.A. 96-856, eff. 12-31-09; 97-333, eff. 8-12-11.)

21 (225 ILCS 454/5-27)

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

23 Sec. 5-27. Requirements for licensure as a broker.

24 (a) Every applicant for licensure as a broker must meet the
25 following qualifications:

1 (1) Be at least 21 years of age. After April 30, 2011,
2 the minimum age of 21 years shall be waived for any person
3 seeking a license as a broker who has attained the age of
4 18 and can provide evidence of the successful completion of
5 at least 4 semesters of post-secondary school study as a
6 full-time student or the equivalent, with major emphasis on
7 real estate courses, in a school approved by the
8 Department;

9 (2) Be of good moral character;

10 (3) Successfully complete a 4-year course of study in a
11 high school or secondary school approved by the Illinois
12 State Board of Education or an equivalent course of study
13 as determined by an examination conducted by the Illinois
14 State Board of Education which shall be verified under oath
15 by the applicant;

16 (4) (Blank); ~~Prior to May 1, 2011, provide (i)~~
17 ~~satisfactory evidence of having completed at least 120~~
18 ~~classroom hours, 45 of which shall be those hours required~~
19 ~~to obtain a salesperson's license plus 15 hours in~~
20 ~~brokerage administration courses, in real estate courses~~
21 ~~approved by the Advisory Council or (ii) for applicants who~~
22 ~~currently hold a valid real estate salesperson's license,~~
23 ~~give satisfactory evidence of having completed at least 75~~
24 ~~hours in real estate courses, not including the courses~~
25 ~~that are required to obtain a salesperson's license,~~
26 ~~approved by the Advisory Council;~~

1 (5) After April 30, 2011, provide satisfactory
2 evidence of having completed 90 hours of instruction in
3 real estate courses approved by the Advisory Council, 15
4 hours of which must consist of situational and case studies
5 presented in the classroom or by other interactive delivery
6 method between the instructor and the students;

7 (6) Personally take and pass a written examination
8 authorized by the Department;

9 (7) Present a valid application for issuance of a
10 license accompanied by a sponsor card and the fees
11 specified by rule.

12 (b) The requirements specified in items (3) ~~(4)~~ and (5) of
13 subsection (a) of this Section do not apply to applicants who
14 are currently admitted to practice law by the Supreme Court of
15 Illinois and are currently in active standing.

16 (c) No applicant shall engage in any of the activities
17 covered by this Act until a valid sponsor card has been issued
18 to such applicant. The sponsor card shall be valid for a
19 maximum period of 45 days after the date of issuance unless
20 extended for good cause as provided by rule.

21 (d) All licenses should be readily available to the public
22 at their place of business.

23 (e) An individual holding an active license as a managing
24 broker may return the license to the Department along with a
25 form provided by the Department and shall be issued a broker's
26 license in exchange. Any individual obtaining a broker's

1 license under this subsection (e) shall be considered as having
2 obtained a broker's license by education and passing the
3 required test and shall be treated as such in determining
4 compliance with this Act.

5 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15.)

6 (225 ILCS 454/5-28)

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

8 Sec. 5-28. Requirements for licensure as a managing broker.

9 (a) Effective May 1, 2012, every applicant for licensure as
10 a managing broker must meet the following qualifications:

11 (1) be at least 21 years of age;

12 (2) be of good moral character;

13 (3) have been licensed at least 2 out of the preceding
14 3 years as a ~~real-estate broker or salesperson~~;

15 (4) successfully complete a 4-year course of study in
16 high school or secondary school approved by the Illinois
17 State Board of Education or an equivalent course of study
18 as determined by an examination conducted by the Illinois
19 State Board of Education, which shall be verified under
20 oath by the applicant;

21 (5) provide satisfactory evidence of having completed
22 at least 165 hours, 120 of which shall be those hours
23 required pre and post-licensure to obtain a broker's
24 license, and 45 additional hours completed within the year
25 immediately preceding the filing of an application for a

1 managing broker's license, which hours shall focus on
2 brokerage administration and management and include at
3 least 15 hours in the classroom or by other interactive
4 delivery method between the instructor and the students;

5 (6) personally take and pass a written examination
6 authorized by the Department; and

7 (7) present a valid application for issuance of a
8 license accompanied by a sponsor card, an appointment as a
9 managing broker, and the fees specified by rule.

10 (b) The requirements specified in item (5) of subsection
11 (a) of this Section do not apply to applicants who are
12 currently admitted to practice law by the Supreme Court of
13 Illinois and are currently in active standing.

14 (c) No applicant shall act as a managing broker for more
15 than 90 days after an appointment as a managing broker has been
16 filed with the Department without obtaining a managing broker's
17 license.

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

19 (225 ILCS 454/5-32)

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

21 Sec. 5-32. Real estate auction certification.

22 (a) An auctioneer licensed under the Auction License Act
23 who does not possess a valid and active broker's or managing
24 broker's license under this Act, or who is not otherwise exempt
25 from licensure, may not engage in the practice of auctioning

1 real estate, except as provided in this Section.

2 (b) The Department shall issue a real estate auction
3 certification to applicants who:

4 (1) possess a valid auctioneer's license under the
5 Auction License Act;

6 (2) successfully complete a real estate auction course
7 of at least 30 hours approved by the Department, which
8 shall cover the scope of activities that may be engaged in
9 by a person holding a real estate auction certification and
10 the activities for which a person must hold a real estate
11 license, as well as other material as provided by the
12 Department;

13 (3) provide documentation of the completion of the real
14 estate auction course; and

15 (4) successfully complete any other reasonable
16 requirements as provided by rule.

17 (c) The auctioneer's role shall be limited to establishing
18 the time, place, and method of the real estate auction, placing
19 advertisements regarding the auction, and crying or calling the
20 auction; any other real estate brokerage activities must be
21 performed by a person holding a valid and active ~~real estate~~
22 broker's or managing broker's license under the provisions of
23 this Act or by a person who is exempt from holding a license
24 under paragraph (13) of Section 5-20 who has a certificate
25 under this Section.

26 (d) An auctioneer who conducts any real estate auction

1 activities in violation of this Section is guilty of unlicensed
2 practice under Section 20-10 of this Act.

3 (e) The Department may revoke, suspend, or otherwise
4 discipline the real estate auction certification of an
5 auctioneer who is adjudicated to be in violation of the
6 provisions of this Section or Section 20-15 of the Auction
7 License Act.

8 (f) Advertising for the real estate auction must contain
9 the name and address of the licensed ~~real estate~~ broker,
10 managing broker, or a licensed auctioneer under paragraph (13)
11 of Section 5-20 of this Act who is providing brokerage services
12 for the transaction.

13 (g) The requirement to hold a real estate auction
14 certification shall not apply to a person exempt from this Act
15 under the provisions of paragraph (13) of Section 5-20 of this
16 Act, unless that person is performing licensed activities in a
17 transaction in which a licensed auctioneer with a real estate
18 certification is providing the limited services provided for in
19 subsection (c) of this Section.

20 (h) Nothing in this Section shall require a person licensed
21 under this Act as a ~~real estate~~ broker or managing broker to
22 obtain a real estate auction certification in order to auction
23 real estate.

24 (i) The Department may adopt rules to implement this
25 Section.

26 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

1 (225 ILCS 454/5-35)

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

3 Sec. 5-35. Examination; managing broker, broker,
4 ~~salesperson~~, or leasing agent.

5 (a) The Department shall authorize examinations at such
6 times and places as it may designate. The examination shall be
7 of a character to give a fair test of the qualifications of the
8 applicant to practice as a managing broker, broker,
9 ~~salesperson~~, or leasing agent. Applicants for examination as a
10 managing broker, broker, ~~salesperson~~, or leasing agent shall be
11 required to pay, either to the Department or the designated
12 testing service, a fee covering the cost of providing the
13 examination. Failure to appear for the examination on the
14 scheduled date, at the time and place specified, after the
15 applicant's application for examination has been received and
16 acknowledged by the Department or the designated testing
17 service, shall result in the forfeiture of the examination fee.
18 An applicant shall be eligible to take the examination only
19 after successfully completing the education requirements and
20 attaining the minimum age provided for in Article 5 of this
21 Act. Each applicant shall be required to establish compliance
22 with the eligibility requirements in the manner provided by the
23 rules promulgated for the administration of this Act.

24 (b) If a person who has received a passing score on the
25 written examination described in this Section fails to file an

1 application and meet all requirements for a license under this
2 Act within one year after receiving a passing score on the
3 examination, credit for the examination shall terminate. The
4 person thereafter may make a new application for examination.

5 (c) If an applicant has failed an examination 4 times, the
6 applicant must repeat the pre-license education required to sit
7 for the examination. For the purposes of this Section, the
8 fifth attempt shall be the same as the first. Approved
9 education, as prescribed by this Act for licensure as a
10 ~~salesperson or~~ broker, shall be valid for 4 years after the
11 date of satisfactory completion of the education.

12 (d) The Department may employ consultants for the purposes
13 of preparing and conducting examinations.

14 (Source: P.A. 96-856, eff. 12-31-09.)

15 (225 ILCS 454/5-41)

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

17 Sec. 5-41. Change of address. A licensee shall notify the
18 Department of the address or addresses, and of every change of
19 address, where the licensee practices as a leasing agent,
20 ~~salesperson,~~ broker or managing broker.

21 (Source: P.A. 96-856, eff. 12-31-09.)

22 (225 ILCS 454/5-50)

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

24 Sec. 5-50. Expiration and renewal of managing broker,

1 broker, ~~salesperson,~~ or leasing agent license; sponsoring
2 broker; register of licensees; pocket card.

3 (a) The expiration date and renewal period for each license
4 issued under this Act shall be set by rule, ~~except that the~~
5 ~~first renewal period ending after the effective date of this~~
6 ~~Act for those licensed as a salesperson shall be extended~~
7 ~~through April 30, 2012.~~ Except as otherwise provided in this
8 Section, the holder of a license may renew the license within
9 90 days preceding the expiration date thereof by completing the
10 continuing education required by this Act and paying the fees
11 specified by rule.

12 (b) An individual whose first license is that of a broker
13 received after April 30, 2011, must provide evidence of having
14 completed 30 hours of post-license education in courses
15 approved by the Advisory Council, 15 hours of which must
16 consist of situational and case studies presented in the
17 classroom or by other interactive delivery method between the
18 instructor and the students, and personally take and pass an
19 examination approved by the Department prior to the first
20 renewal of their broker's license.

21 (c) Any ~~salesperson until April 30, 2011 or any~~ managing
22 broker, broker, or leasing agent whose license under this Act
23 has expired shall be eligible to renew the license during the
24 2-year period following the expiration date, provided the
25 managing broker, broker, salesperson, or leasing agent pays the
26 fees as prescribed by rule and completes continuing education

1 and other requirements provided for by the Act or by rule.
2 Beginning on May 1, 2012, a managing broker licensee, broker,
3 or leasing agent whose license has been expired for more than 2
4 years but less than 5 years may have it restored by (i)
5 applying to the Department, (ii) paying the required fee, (iii)
6 completing the continuing education requirements for the most
7 recent pre-renewal period that ended prior to the date of the
8 application for reinstatement, and (iv) filing acceptable
9 proof of fitness to have his or her license restored, as set by
10 rule. A managing broker, broker, or leasing agent whose license
11 has been expired for more than 5 years shall be required to
12 meet the requirements for a new license.

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

1 (e) The Department shall establish and maintain a register
2 of all persons currently licensed by the State and shall issue
3 and prescribe a form of pocket card. Upon payment by a licensee
4 of the appropriate fee as prescribed by rule for engagement in
5 the activity for which the licensee is qualified and holds a
6 license for the current period, the Department shall issue a
7 pocket card to the licensee. The pocket card shall be
8 verification that the required fee for the current period has
9 been paid and shall indicate that the person named thereon is
10 licensed for the current renewal period as a managing broker,
11 broker, ~~salesperson,~~ or leasing agent as the case may be. The
12 pocket card shall further indicate that the person named
13 thereon is authorized by the Department to engage in the
14 licensed activity appropriate for his or her status (managing
15 broker, broker, ~~salesperson,~~ or leasing agent). Each licensee
16 shall carry on his or her person his or her pocket card or, if
17 such pocket card has not yet been issued, a properly issued
18 sponsor card when engaging in any licensed activity and shall
19 display the same on demand.

20 (f) The Department shall provide to the sponsoring broker a
21 notice of renewal for all sponsored licensees by mailing the
22 notice to the sponsoring broker's address of record, or, at the
23 Department's discretion, by an electronic means as provided for
24 by rule.

25 (g) Upon request from the sponsoring broker, the Department
26 shall make available to the sponsoring broker, either by mail

1 or by an electronic means at the discretion of the Department,
2 a listing of licensees under this Act who, according to the
3 records of the Department, are sponsored by that broker. Every
4 licensee associated with or employed by a broker whose license
5 is revoked, suspended, terminated, or expired shall be
6 considered as inoperative until such time as the sponsoring
7 broker's license is reinstated or renewed, or the licensee
8 changes employment as set forth in subsection (c) of Section
9 5-40 of this Act.

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

11 (225 ILCS 454/5-60)

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

13 Sec. 5-60. Managing broker licensed in another state;
14 broker licensed in another state; ~~salesperson licensed in~~
15 ~~another state;~~ reciprocal agreements; agent for service of
16 process.

17 (a) Effective May 1, 2011, a managing broker's license may
18 be issued by the Department to a managing broker or its
19 equivalent licensed under the laws of another state of the
20 United States, under the following conditions:

21 (1) the managing broker holds a managing broker's
22 license in a state that has entered into a reciprocal
23 agreement with the Department;

24 (2) the standards for that state for licensing as a
25 managing broker are substantially equal to or greater than

1 the minimum standards in the State of Illinois;

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

6 (4) the managing broker furnishes the Department with a
7 statement under seal of the proper licensing authority of
8 the state in which the managing broker is licensed showing
9 that the managing broker has an active managing broker's
10 license, that the managing broker is in good standing, and
11 that no complaints are pending against the managing broker
12 in that state;

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

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

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

21 (1) the broker holds a broker's license in a state that
22 has entered into a reciprocal agreement with the
23 Department;

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

1 (3) if the application is made prior to May 1, 2012,
2 then the broker has been actively practicing as a broker in
3 the broker's state of licensure for a period of not less
4 than 2 years, immediately prior to the date of application;

5 (4) the broker furnishes the Department with a
6 statement under seal of the proper licensing authority of
7 the state in which the broker is licensed showing that the
8 broker has an active broker's license, that the broker is
9 in good standing, and that no complaints are pending
10 against the broker in that state;

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

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

16 (c) (Blank). ~~Prior to May 1, 2011, a salesperson may, in~~
17 ~~the discretion of the Department, be issued a salesperson's~~
18 ~~license provided all of the following conditions are met:~~

19 ~~(1) the salesperson maintains an active license in the~~
20 ~~state that has entered into a reciprocal agreement with the~~
21 ~~Department;~~

22 ~~(2) the salesperson passes a test on Illinois specific~~
23 ~~real estate brokerage laws; and~~

24 ~~(3) the salesperson was licensed by an examination in~~
25 ~~the state that has entered into a reciprocal agreement with~~
26 ~~the Department.~~

1 ~~The broker with whom the salesperson is associated shall~~
2 ~~comply with the provisions of this Act and issue the~~
3 ~~salesperson a sponsor card upon the form provided by the~~
4 ~~Department.~~

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

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

25 (f) Licenses previously granted under reciprocal
26 agreements with other states shall remain in force so long as

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

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

1 known business address of the licensee.

2 (h) Any person holding a valid license under this Section
3 shall be eligible to obtain a ~~resident~~ managing broker's
4 license, or a broker's license, ~~or, prior to May 1, 2011, a~~
5 ~~salesperson's license~~ without examination should that person
6 change their state of domicile to Illinois and that person
7 otherwise meets the qualifications for licensure under this
8 Act.

9 (Source: P.A. 96-856, eff. 12-31-09.)

10 (225 ILCS 454/5-70)

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

12 Sec. 5-70. Continuing education requirement; managing
13 broker, or broker, ~~or salesperson.~~

14 (a) The requirements of this Section apply to all managing
15 brokers, and brokers, ~~and salespersons.~~

16 (b) Except as otherwise provided in this Section, each
17 person who applies for renewal of his or her license as a
18 managing broker, or ~~real estate~~ broker, ~~or real estate~~
19 ~~salesperson~~ must successfully complete 6 hours of real estate
20 continuing education courses approved by the Advisory Council
21 for each year of the pre-renewal period. ~~Broker licensees must~~
22 ~~successfully complete a 6-hour broker management continuing~~
23 ~~education course approved by the Department for the pre-renewal~~
24 ~~period ending April 30, 2010.~~ In addition, beginning with the
25 pre-renewal period for managing broker licensees that begins

1 after the effective date of this Act, those licensees renewing
2 or obtaining a managing broker's license must successfully
3 complete a 12-hour broker management continuing education
4 course approved by the Department each pre-renewal period. The
5 broker management continuing education course must be
6 completed in the classroom or by other interactive delivery
7 method between the instructor and the students. Successful
8 completion of the course shall include achieving a passing
9 score as provided by rule on a test developed and administered
10 in accordance with rules adopted by the Department. No license
11 may be renewed except upon the successful completion of the
12 required courses or their equivalent or upon a waiver of those
13 requirements for good cause shown as determined by the
14 Secretary with the recommendation of the Advisory Council. The
15 requirements of this Article are applicable to all managing
16 brokers, and brokers, ~~and salespersons~~ except those managing
17 brokers and brokers ~~salespersons~~ who, during the pre-renewal
18 period:

19 (1) serve in the armed services of the United States;

20 (2) serve as an elected State or federal official;

21 (3) serve as a full-time employee of the Department; or

22 (4) are admitted to practice law pursuant to Illinois

23 Supreme Court rule.

24 (c) (Blank). ~~A person licensed as a salesperson as of April~~
25 ~~30, 2011 shall not be required to complete the 18 hours of~~
26 ~~continuing education for the pre renewal period ending April~~

1 ~~30, 2012 if that person takes the 30-hour post-licensing course~~
2 ~~to obtain a broker's license. A person licensed as a broker as~~
3 ~~of April 30, 2011 shall not be required to complete the 12~~
4 ~~hours of broker management continuing education for the~~
5 ~~pre renewal period ending April 30, 2012, unless that person~~
6 ~~passes the proficiency exam provided for in Section 5-47 of~~
7 ~~this Act to qualify for a managing broker's license.~~

8 (d) A person receiving an initial license during the 90
9 days before the renewal date shall not be required to complete
10 the continuing education courses provided for in subsection (b)
11 of this Section as a condition of initial license renewal.

12 (e) The continuing education requirement for ~~salespersons,~~
13 brokers and managing brokers shall consist of a core curriculum
14 and an elective curriculum, to be established by the Advisory
15 Council. In meeting the continuing education requirements of
16 this Act, at least 3 hours per year or their equivalent, 6
17 hours for each two-year pre-renewal period, shall be required
18 to be completed in the core curriculum. In establishing the
19 core curriculum, the Advisory Council shall consider subjects
20 that will educate licensees on recent changes in applicable
21 laws and new laws and refresh the licensee on areas of the
22 license law and the Department policy that the Advisory Council
23 deems appropriate, and any other areas that the Advisory
24 Council deems timely and applicable in order to prevent
25 violations of this Act and to protect the public. In
26 establishing the elective curriculum, the Advisory Council

1 shall consider subjects that cover the various aspects of the
2 practice of real estate that are covered under the scope of
3 this Act. However, the elective curriculum shall not include
4 any offerings referred to in Section 5-85 of this Act.

5 (f) The subject areas of continuing education courses
6 approved by the Advisory Council may include without limitation
7 the following:

- 8 (1) license law and escrow;
- 9 (2) antitrust;
- 10 (3) fair housing;
- 11 (4) agency;
- 12 (5) appraisal;
- 13 (6) property management;
- 14 (7) residential brokerage;
- 15 (8) farm property management;
- 16 (9) rights and duties of sellers, buyers, and brokers;
- 17 (10) commercial brokerage and leasing; and
- 18 (11) real estate financing.

19 (g) In lieu of credit for those courses listed in
20 subsection (f) of this Section, credit may be earned for
21 serving as a licensed instructor in an approved course of
22 continuing education. The amount of credit earned for teaching
23 a course shall be the amount of continuing education credit for
24 which the course is approved for licensees taking the course.

25 (h) Credit hours may be earned for self-study programs
26 approved by the Advisory Council.

1 (i) A managing broker or broker ~~salesperson~~ may earn credit
2 for a specific continuing education course only once during the
3 prereneal period.

4 (j) No more than 6 hours of continuing education credit may
5 be taken or earned in one calendar day.

6 (k) To promote the offering of a uniform and consistent
7 course content, the Department may provide for the development
8 of a single broker management course to be offered by all
9 continuing education providers who choose to offer the broker
10 management continuing education course. The Department may
11 contract for the development of the 12-hour broker management
12 continuing education course with an outside vendor or
13 consultant and, if the course is developed in this manner, the
14 Department or the outside consultant shall license the use of
15 that course to all approved continuing education providers who
16 wish to provide the course.

17 (l) Except as specifically provided in this Act, continuing
18 education credit hours may not be earned for completion of pre
19 or post-license courses. The approved 30-hour post-license
20 course for broker licensees shall satisfy the continuing
21 education requirement for the pre-renewal period in which the
22 course is taken. The approved 45-hour brokerage administration
23 and management course shall satisfy the 12-hour broker
24 management continuing education requirement for the
25 pre-renewal period in which the course is taken.

26 (Source: P.A. 97-1002, eff. 8-17-12; 98-531, eff. 8-23-13.)

1 (225 ILCS 454/10-10)

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

3 Sec. 10-10. Disclosure of compensation.

4 (a) A licensee must disclose to a client the sponsoring
5 broker's compensation and policy with regard to cooperating
6 with brokers who represent other parties in a transaction.

7 (b) A licensee must disclose to a client all sources of
8 compensation related to the transaction received by the
9 licensee from a third party.

10 (c) If a licensee refers a client to a third party in which
11 the licensee has greater than a 1% ownership interest or from
12 which the licensee receives or may receive dividends or other
13 profit sharing distributions, other than a publicly held or
14 traded company, for the purpose of the client obtaining
15 services related to the transaction, then the licensee shall
16 disclose that fact to the client at the time of making the
17 referral.

18 (d) If in any one transaction a sponsoring broker receives
19 compensation from both the buyer and seller or lessee and
20 lessor of real estate, the sponsoring broker shall disclose in
21 writing to a client the fact that the compensation is being
22 paid by both buyer and seller or lessee and lessor.

23 (e) Nothing in the Act shall prohibit the cooperation with
24 or a payment of compensation to a person not domiciled in this
25 State or country who is licensed as a ~~real estate~~ broker in his

1 or her state or country of domicile or to a resident of a
2 country that does not require a person to be licensed to act as
3 a ~~real-estate~~ broker if the person complies with the laws of
4 the country in which that person resides and practices there as
5 a ~~real-estate~~ broker.

6 (Source: P.A. 91-245, eff. 12-31-99; 92-217, eff. 8-2-01.)

7 (225 ILCS 454/10-15)

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

9 Sec. 10-15. No compensation to persons in violation of Act;
10 compensation to unlicensed persons; consumer.

11 (a) No compensation may be paid to any unlicensed person in
12 exchange for the person performing licensed activities in
13 violation of this Act.

14 (b) No action or suit shall be instituted, nor recovery
15 therein be had, in any court of this State by any person,
16 partnership, registered limited liability partnership, limited
17 liability company, or corporation for compensation for any act
18 done or service performed, the doing or performing of which is
19 prohibited by this Act to other than licensed managing brokers,
20 brokers, ~~salespersons,~~ or leasing agents unless the person,
21 partnership, registered limited liability partnership, limited
22 liability company, or corporation was duly licensed hereunder
23 as a managing broker, broker, ~~salesperson,~~ or leasing agent
24 under this Act at the time that any such act was done or
25 service performed that would give rise to a cause of action for

1 compensation.

2 (c) A licensee may offer compensation, including prizes,
3 merchandise, services, rebates, discounts, or other
4 consideration to an unlicensed person who is a party to a
5 contract to buy or sell real estate or is a party to a contract
6 for the lease of real estate, so long as the offer complies
7 with the provisions of subdivision (35) of subsection (a) of
8 Section 20-20 of this Act.

9 (d) A licensee may offer cash, gifts, prizes, awards,
10 coupons, merchandise, rebates or chances to win a game of
11 chance, if not prohibited by any other law or statute, to a
12 consumer as an inducement to that consumer to use the services
13 of the licensee even if the licensee and consumer do not
14 ultimately enter into a broker-client relationship so long as
15 the offer complies with the provisions of subdivision (35) of
16 subsection (a) of Section 20-20 of this Act.

17 (Source: P.A. 96-856, eff. 12-31-09.)

18 (225 ILCS 454/15-5)

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

20 Sec. 15-5. Legislative intent.

21 (a) The General Assembly finds that application of the
22 common law of agency to the relationships among managing real
23 ~~estate~~ brokers and brokers salespersons and consumers of real
24 estate brokerage services has resulted in misunderstandings
25 and consequences that have been contrary to the best interests

1 of the public. The General Assembly further finds that the real
2 estate brokerage industry has a significant impact upon the
3 economy of the State of Illinois and that it is in the best
4 interest of the public to provide codification of the
5 relationships between managing ~~real estate~~ brokers and brokers
6 ~~salespersons~~ and consumers of real estate brokerage services in
7 order to prevent detrimental misunderstandings and
8 misinterpretations of the relationships by consumers, managing
9 ~~real estate~~ brokers, and brokers ~~salespersons~~ and thus promote
10 and provide stability in the real estate market. This Article
11 15 is enacted to govern the relationships between consumers of
12 real estate brokerage services and managing ~~real estate~~ brokers
13 and brokers ~~salespersons~~ to the extent not governed by an
14 individual written agreement between a sponsoring broker and a
15 consumer, providing that there is a relationship other than
16 designated agency. This Article 15 applies to the exclusion of
17 the common law concepts of principal and agent and to the
18 fiduciary duties, which have been applied to managing ~~real~~
19 ~~estate~~ brokers, brokers ~~salespersons~~, and real estate
20 brokerage services.

21 (b) The General Assembly further finds that this Article 15
22 is not intended to prescribe or affect contractual
23 relationships between managing brokers and ~~real estate~~ brokers
24 and the broker's affiliated licensees.

25 (c) This Article 15 may serve as a basis for private rights
26 of action and defenses by sellers, buyers, landlords, tenants,

1 managing brokers, and ~~real estate brokers, and real estate~~
2 ~~salespersons~~. The private rights of action, however, do not
3 extend to the provisions of any other Articles of this Act.

4 (Source: P.A. 91-245, eff. 12-31-99.)

5 (225 ILCS 454/20-10)

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

7 Sec. 20-10. Unlicensed practice; civil penalty.

8 (a) Any person who practices, offers to practice, attempts
9 to practice, or holds oneself out to practice as a managing
10 ~~real estate broker, broker real estate salesperson~~, or leasing
11 agent without being licensed under this Act shall, in addition
12 to any other penalty provided by law, pay a civil penalty to
13 the Department in an amount not to exceed \$25,000 for each
14 offense as determined by the Department. The civil penalty
15 shall be assessed by the Department after a hearing is held in
16 accordance with the provisions set forth in this Act regarding
17 the provision of a hearing for the discipline of a license.

18 (b) The Department has the authority and power to
19 investigate any and all unlicensed activity.

20 (c) The civil penalty shall be paid within 60 days after
21 the effective date of the order imposing the civil penalty. The
22 order shall constitute a judgment and may be filed and
23 execution had thereon in the same manner from any court of
24 record.

25 (Source: P.A. 96-856, eff. 12-31-09.)

1 (225 ILCS 454/20-20)

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

3 Sec. 20-20. Grounds for discipline.

4 (a) The Department may refuse to issue or renew a license,
5 may place on probation, suspend, or revoke any license,
6 reprimand, or take any other disciplinary or non-disciplinary
7 action as the Department may deem proper and impose a fine not
8 to exceed \$25,000 upon any licensee or applicant under this Act
9 or any person who holds himself or herself out as an applicant
10 or licensee or against a licensee in handling his or her own
11 property, whether held by deed, option, or otherwise, for any
12 one or any combination of the following causes:

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

16 (2) The conviction of or plea of guilty or plea of nolo
17 contendere to a felony or misdemeanor in this State or any
18 other jurisdiction; or the entry of an administrative
19 sanction by a government agency in this State or any other
20 jurisdiction. Action taken under this paragraph (2) for a
21 misdemeanor or an administrative sanction is limited to a
22 misdemeanor or administrative sanction that has as an
23 essential element dishonesty or fraud or involves larceny,
24 embezzlement, or obtaining money, property, or credit by
25 false pretenses or by means of a confidence game.

1 (3) Inability to practice the profession with
2 reasonable judgment, skill, or safety as a result of a
3 physical illness, including, but not limited to,
4 deterioration through the aging process or loss of motor
5 skill, or a mental illness or disability.

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

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

18 (6) Engaging in the practice of real estate brokerage
19 without a license or after the licensee's license was
20 expired or while the license was inoperative.

21 (7) Cheating on or attempting to subvert the Real
22 Estate License Exam or continuing education exam.

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

26 (9) Advertising that is inaccurate, misleading, or

1 contrary to the provisions of the Act.

2 (10) Making any substantial misrepresentation or
3 untruthful advertising.

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

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

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

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

15 (15) Representing or attempting to represent a broker
16 other than the sponsoring broker.

17 (16) Failure to account for or to remit any moneys or
18 documents coming into his or her possession that belong to
19 others.

20 (17) Failure to maintain and deposit in a special
21 account, separate and apart from personal and other
22 business accounts, all escrow moneys belonging to others
23 entrusted to a licensee while acting as a ~~real-estate~~
24 broker, escrow agent, or temporary custodian of the funds
25 of others or failure to maintain all escrow moneys on
26 deposit in the account until the transactions are

1 consummated or terminated, except to the extent that the
2 moneys, or any part thereof, shall be:

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

12 (B) deemed abandoned and transferred to the Office
13 of the State Treasurer to be handled as unclaimed
14 property pursuant to the Uniform Disposition of
15 Unclaimed Property Act. Escrow moneys may be deemed
16 abandoned under this subparagraph (B) only: (i) in the
17 absence of disbursement under subparagraph (A); (ii)
18 in the absence of notice of the filing of any claim in
19 a court of competent jurisdiction; and (iii) if 6
20 months have elapsed after the receipt of a written
21 demand for the escrow moneys from one of the principals
22 to the transaction or the principal's duly authorized
23 agent.

24 The account shall be noninterest bearing, unless the
25 character of the deposit is such that payment of interest
26 thereon is otherwise required by law or unless the

1 principals to the transaction specifically require, in
2 writing, that the deposit be placed in an interest bearing
3 account.

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

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

11 (20) Failure of a sponsoring broker to timely provide
12 information, sponsor cards, or termination of licenses to
13 the Department.

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

17 (22) Commingling the money or property of others with
18 his or her own money or property.

19 (23) Employing any person on a purely temporary or
20 single deal basis as a means of evading the law regarding
21 payment of commission to nonlicensees on some contemplated
22 transactions.

23 (24) Permitting the use of his or her license as a
24 broker to enable a leasing agent ~~salesperson~~ or unlicensed
25 person to operate a real estate business without actual
26 participation therein and control thereof by the broker.

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

4 (26) Displaying a "for rent" or "for sale" sign on any
5 property without the written consent of an owner or his or
6 her duly authorized agent or advertising by any means that
7 any property is for sale or for rent without the written
8 consent of the owner or his or her authorized agent.

9 (27) Failing to provide information requested by the
10 Department, or otherwise respond to that request, within 30
11 days of the request.

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

14 (29) Offering guaranteed sales plans, as defined in
15 clause (A) of this subdivision (29), except to the extent
16 hereinafter set forth:

17 (A) A "guaranteed sales plan" is any real estate
18 purchase or sales plan whereby a licensee enters into a
19 conditional or unconditional written contract with a
20 seller, prior to entering into a brokerage agreement
21 with the seller, by the terms of which a licensee
22 agrees to purchase a property of the seller within a
23 specified period of time at a specific price in the
24 event the property is not sold in accordance with the
25 terms of a brokerage agreement to be entered into
26 between the sponsoring broker and the seller.

1 (B) A licensee offering a guaranteed sales plan
2 shall provide the details and conditions of the plan in
3 writing to the party to whom the plan is offered.

4 (C) A licensee offering a guaranteed sales plan
5 shall provide to the party to whom the plan is offered
6 evidence of sufficient financial resources to satisfy
7 the commitment to purchase undertaken by the broker in
8 the plan.

9 (D) Any licensee offering a guaranteed sales plan
10 shall undertake to market the property of the seller
11 subject to the plan in the same manner in which the
12 broker would market any other property, unless the
13 agreement with the seller provides otherwise.

14 (E) The licensee cannot purchase seller's property
15 until the brokerage agreement has ended according to
16 its terms or is otherwise terminated.

17 (F) Any licensee who fails to perform on a
18 guaranteed sales plan in strict accordance with its
19 terms shall be subject to all the penalties provided in
20 this Act for violations thereof and, in addition, shall
21 be subject to a civil fine payable to the party injured
22 by the default in an amount of up to \$25,000.

23 (30) Influencing or attempting to influence, by any
24 words or acts, a prospective seller, purchaser, occupant,
25 landlord, or tenant of real estate, in connection with
26 viewing, buying, or leasing real estate, so as to promote

1 or tend to promote the continuance or maintenance of
2 racially and religiously segregated housing or so as to
3 retard, obstruct, or discourage racially integrated
4 housing on or in any street, block, neighborhood, or
5 community.

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

10 (32) Inducing any party to a contract of sale or lease
11 or brokerage agreement to break the contract of sale or
12 lease or brokerage agreement for the purpose of
13 substituting, in lieu thereof, a new contract for sale or
14 lease or brokerage agreement with a third party.

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

20 (34) When a licensee is also an attorney, acting as the
21 attorney for either the buyer or the seller in the same
22 transaction in which the licensee is acting or has acted as
23 a managing broker or broker ~~salesperson~~.

24 (35) Advertising or offering merchandise or services
25 as free if any conditions or obligations necessary for
26 receiving the merchandise or services are not disclosed in

1 the same advertisement or offer. These conditions or
2 obligations include without limitation the requirement
3 that the recipient attend a promotional activity or visit a
4 real estate site. As used in this subdivision (35), "free"
5 includes terms such as "award", "prize", "no charge", "free
6 of charge", "without charge", and similar words or phrases
7 that reasonably lead a person to believe that he or she may
8 receive or has been selected to receive something of value,
9 without any conditions or obligations on the part of the
10 recipient.

11 (36) Disregarding or violating any provision of the
12 Land Sales Registration Act of 1989, the Illinois Real
13 Estate Time-Share Act, or the published rules promulgated
14 by the Department to enforce those Acts.

15 (37) Violating the terms of a disciplinary order issued
16 by the Department.

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

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

24 (40) Disregarding or violating any provision of this
25 Act or the published rules promulgated by the Department to
26 enforce this Act or aiding or abetting any individual,

1 partnership, registered limited liability partnership,
2 limited liability company, or corporation in disregarding
3 any provision of this Act or the published rules
4 promulgated by the Department to enforce this Act.

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

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

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

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

25 (c) The Department shall deny a license or renewal
26 authorized by this Act to a person who has defaulted on an

1 educational loan or scholarship provided or guaranteed by the
2 Illinois Student Assistance Commission or any governmental
3 agency of this State in accordance with item (5) of subsection
4 (a) of Section 2105-15 of the Civil Administrative Code of
5 Illinois.

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

17 (e) In enforcing this Section, the Department or Board upon
18 a showing of a possible violation may compel an individual
19 licensed to practice under this Act, or who has applied for
20 licensure under this Act, to submit to a mental or physical
21 examination, or both, as required by and at the expense of the
22 Department. The Department or Board may order the examining
23 physician to present testimony concerning the mental or
24 physical examination of the licensee or applicant. No
25 information shall be excluded by reason of any common law or
26 statutory privilege relating to communications between the

1 licensee or applicant and the examining physician. The
2 examining physicians shall be specifically designated by the
3 Board or Department. The individual to be examined may have, at
4 his or her own expense, another physician of his or her choice
5 present during all aspects of this examination. Failure of an
6 individual to submit to a mental or physical examination, when
7 directed, shall be grounds for suspension of his or her license
8 until the individual submits to the examination if the
9 Department finds, after notice and hearing, that the refusal to
10 submit to the examination was without reasonable cause.

11 If the Department or Board finds an individual unable to
12 practice because of the reasons set forth in this Section, the
13 Department or Board may require that individual to submit to
14 care, counseling, or treatment by physicians approved or
15 designated by the Department or Board, as a condition, term, or
16 restriction for continued, reinstated, or renewed licensure to
17 practice; or, in lieu of care, counseling, or treatment, the
18 Department may file, or the Board may recommend to the
19 Department to file, a complaint to immediately suspend, revoke,
20 or otherwise discipline the license of the individual. An
21 individual whose license was granted, continued, reinstated,
22 renewed, disciplined or supervised subject to such terms,
23 conditions, or restrictions, and who fails to comply with such
24 terms, conditions, or restrictions, shall be referred to the
25 Secretary for a determination as to whether the individual
26 shall have his or her license suspended immediately, pending a

1 hearing by the Department.

2 In instances in which the Secretary immediately suspends a
3 person's license under this Section, a hearing on that person's
4 license must be convened by the Department within 30 days after
5 the suspension and completed without appreciable delay. The
6 Department and Board shall have the authority to review the
7 subject individual's record of treatment and counseling
8 regarding the impairment to the extent permitted by applicable
9 federal statutes and regulations safeguarding the
10 confidentiality of medical records.

11 An individual licensed under this Act and affected under
12 this Section shall be afforded an opportunity to demonstrate to
13 the Department or Board that he or she can resume practice in
14 compliance with acceptable and prevailing standards under the
15 provisions of his or her license.

16 (Source: P.A. 97-813, eff. 7-13-12; 97-1002, eff. 8-17-12;
17 98-553, eff. 1-1-14; 98-756, eff. 7-16-14.)

18 (225 ILCS 454/20-21)

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

20 Sec. 20-21. Injunctions; cease and desist order.

21 (a) If any person violates the provisions of this Act, the
22 Secretary may, in the name of the People of the State of
23 Illinois, through the Attorney General of the State of Illinois
24 or the State's Attorney for any county in which the action is
25 brought, petition for an order enjoining the violation or for

1 an order enforcing compliance with this Act. Upon the filing of
2 a verified petition in court, the court may issue a temporary
3 restraining order, without notice or condition, and may
4 preliminarily and permanently enjoin the violation. If it is
5 established that the person has violated or is violating the
6 injunction, the Court may punish the offender for contempt of
7 court. Proceedings under this Section shall be in addition to,
8 and not in lieu of, all other remedies and penalties provided
9 by this Act.

10 (b) Whenever in the opinion of the Department a person
11 violates a provision of this Act, the Department may issue a
12 ruling to show cause why an order to cease and desist should
13 not be entered against that person. The rule shall clearly set
14 forth the grounds relied upon by the Department and shall allow
15 at least 7 days from the date of the rule to file an answer to
16 the satisfaction of the Department. Failure to answer to the
17 satisfaction of the Department shall cause an order to cease
18 and desist to be issued immediately.

19 (c) Other than as provided in Section 5-20 of this Act, if
20 any person practices as a managing ~~real estate~~ broker, broker,
21 ~~real estate salesperson~~ or leasing agent or holds himself or
22 herself out as a licensed sponsoring broker, managing broker,
23 ~~real estate~~ broker, ~~real estate salesperson~~ or leasing agent
24 under this Act without being issued a valid existing license by
25 the Department, then any licensed sponsoring broker, managing
26 broker, ~~real estate~~ broker, ~~real estate salesperson~~, leasing

1 agent, any interested party, or any person injured thereby may,
2 in addition to the Secretary, petition for relief as provided
3 in subsection (a) of this Section.

4 (Source: P.A. 96-856, eff. 12-31-09.)

5 (225 ILCS 454/20-22)

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

7 Sec. 20-22. Violations. Any person who is found working or
8 acting as a managing broker, ~~real estate~~ broker, ~~real estate~~
9 ~~salesperson~~, or leasing agent or holding himself or herself out
10 as a licensed sponsoring broker, managing broker, ~~real estate~~
11 broker, ~~real estate salesperson~~, or leasing agent without being
12 issued a valid existing license is guilty of a Class A
13 misdemeanor and on conviction of a second or subsequent offense
14 the violator shall be guilty of a Class 4 felony.

15 (Source: P.A. 96-856, eff. 12-31-09.)

16 (225 ILCS 454/20-85)

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

18 Sec. 20-85. Recovery from Real Estate Recovery Fund. The
19 Department shall maintain a Real Estate Recovery Fund from
20 which any person aggrieved by an act, representation,
21 transaction, or conduct of a licensee or unlicensed employee of
22 a licensee that is in violation of this Act or the rules
23 promulgated pursuant thereto, constitutes embezzlement of
24 money or property, or results in money or property being

1 unlawfully obtained from any person by false pretenses,
2 artifice, trickery, or forgery or by reason of any fraud,
3 misrepresentation, discrimination, or deceit by or on the part
4 of any such licensee or the unlicensed employee of a licensee
5 and that results in a loss of actual cash money, as opposed to
6 losses in market value, rent, or security deposits, may
7 recover. The aggrieved person may recover, by a post-judgment
8 order of the circuit court of the county where the violation
9 occurred in a proceeding described in Section 20-90 of this
10 Act, an amount of not more than \$25,000 from the Fund for
11 damages sustained by the act, representation, transaction, or
12 conduct, together with costs of suit and attorney's fees
13 incurred in connection therewith of not to exceed 15% of the
14 amount of the recovery ordered paid from the Fund. However, no
15 person ~~licensee~~ may recover from the Fund unless the court
16 finds that the person suffered a loss resulting from
17 intentional misconduct. The post-judgment order shall not
18 include interest on the judgment. The maximum liability against
19 the Fund arising out of any one act shall be as provided in
20 this Section, and the post-judgment order shall spread the
21 award equitably among all co-owners or otherwise aggrieved
22 persons, if any. The maximum liability against the Fund arising
23 out of the activities of any one licensee or one unlicensed
24 employee of a licensee, since January 1, 1974, shall be
25 \$100,000. Nothing in this Section shall be construed to
26 authorize recovery from the Fund unless the loss of the

1 aggrieved person results from an act or omission of a licensee
2 under this Act who was at the time of the act or omission
3 acting in such capacity or was apparently acting in such
4 capacity or their unlicensed employee and unless the aggrieved
5 person has obtained a valid judgment and post-judgment order of
6 the court as provided for in Section 20-90 of this Act. No
7 person aggrieved by an act, representation, or transaction that
8 is in violation of the Illinois Real Estate Time-Share Act or
9 the Land Sales Registration Act of 1989 may recover from the
10 Fund.

11 (Source: P.A. 96-856, eff. 12-31-09; 97-1002, eff. 8-17-12.)

12 (225 ILCS 454/25-10)

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

14 Sec. 25-10. Real Estate Administration and Disciplinary
15 Board; duties. There is created the Real Estate Administration
16 and Disciplinary Board. The Board shall be composed of 9
17 persons appointed by the Governor. Members shall be appointed
18 to the Board subject to the following conditions:

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

22 (2) Six members shall have been actively engaged as
23 managing brokers or brokers ~~salespersons~~ or both for at
24 least the 10 years prior to the appointment.

25 (3) Three members of the Board shall be public members

1 who represent consumer interests.

2 None of these members shall be (i) a person who is licensed
3 under this Act or a similar Act of another jurisdiction, (ii)
4 the spouse or family member of a licensee, (iii) a person who
5 has an ownership interest in a real estate brokerage business,
6 or (iv) a person the Department determines to have any other
7 connection with a real estate brokerage business or a licensee.
8 The members' terms shall be 4 years or until their successor is
9 appointed, and the expiration of their terms shall be
10 staggered. Appointments to fill vacancies shall be for the
11 unexpired portion of the term. The membership of the Board
12 should reasonably reflect the geographic distribution of the
13 licensee population in this State. In making the appointments,
14 the Governor shall give due consideration to the
15 recommendations by members and organizations of the
16 profession. The Governor may terminate the appointment of any
17 member for cause that in the opinion of the Governor reasonably
18 justifies the termination. Cause for termination shall include
19 without limitation misconduct, incapacity, neglect of duty, or
20 missing 4 board meetings during any one calendar year. Each
21 member of the Board may receive a per diem stipend in an amount
22 to be determined by the Secretary. Each member shall be paid
23 his or her necessary expenses while engaged in the performance
24 of his or her duties. Such compensation and expenses shall be
25 paid out of the Real Estate License Administration Fund. The
26 Secretary shall consider the recommendations of the Board on

1 questions involving standards of professional conduct,
2 discipline, and examination of candidates under this Act. The
3 Department, after notifying and considering the
4 recommendations of the Board, if any, may issue rules,
5 consistent with the provisions of this Act, for the
6 administration and enforcement thereof and may prescribe forms
7 that shall be used in connection therewith. Five Board members
8 shall constitute a quorum. A quorum is required for all Board
9 decisions.

10 (Source: P.A. 98-1109, eff. 1-1-15.)

11 (225 ILCS 454/25-25)

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

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

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

1 Administrative Code of Illinois.

2 (Source: P.A. 96-856, eff. 12-31-09.)

3 (225 ILCS 454/30-15)

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

5 Sec. 30-15. Licensing of continuing education schools;
6 approval of courses.

7 (a) Only continuing education schools in possession of a
8 valid continuing education school license may provide real
9 estate continuing education courses that will satisfy the
10 requirements of this Act. Pre-license schools licensed to offer
11 pre-license education courses for ~~salespersons,~~ brokers and
12 managing brokers shall qualify for a continuing education
13 school license upon completion of an application and the
14 submission of the required fee. Every entity that desires to
15 obtain a continuing education school license shall make
16 application to the Department in writing in forms prescribed by
17 the Department and pay the fee prescribed by rule. In addition
18 to any other information required to be contained in the
19 application, every application for an original or renewed
20 license shall include the applicant's Social Security number.

21 (b) The criteria for a continuing education license shall
22 include the following:

23 (1) A sound financial base for establishing,
24 promoting, and delivering the necessary courses. Budget
25 planning for the School's courses should be clearly

1 projected.

2 (2) A sufficient number of qualified, licensed
3 instructors as provided by rule.

4 (3) Adequate support personnel to assist with
5 administrative matters and technical assistance.

6 (4) Maintenance and availability of records of
7 participation for licensees.

8 (5) The ability to provide each participant who
9 successfully completes an approved program with a
10 certificate of completion signed by the administrator of a
11 licensed continuing education school on forms provided by
12 the Department.

13 (6) The continuing education school must have a written
14 policy dealing with procedures for the management of
15 grievances and fee refunds.

16 (7) The continuing education school shall maintain
17 lesson plans and examinations for each course.

18 (8) The continuing education school shall require a 70%
19 passing grade for successful completion of any continuing
20 education course.

21 (9) The continuing education school shall identify and
22 use instructors who will teach in a planned program.
23 Suggested criteria for instructor selections include:

24 (A) appropriate credentials;

25 (B) competence as a teacher;

26 (C) knowledge of content area; and

1 (D) qualification by experience.

2 (10) The continuing education school shall provide a
3 proctor or an electronic means of proctoring for each
4 examination. The continuing education school shall be
5 responsible for the conduct of the proctor. The duties and
6 responsibilities of a proctor shall be established by rule.

7 (11) The continuing education school must provide for
8 closed book examinations for each course unless the
9 Advisory Council excuses this requirement based on the
10 complexity of the course material.

11 (c) Advertising and promotion of continuing education
12 activities must be carried out in a responsible fashion,
13 clearly showing the educational objectives of the activity, the
14 nature of the audience that may benefit from the activity, the
15 cost of the activity to the participant and the items covered
16 by the cost, the amount of credit that can be earned, and the
17 credentials of the faculty.

18 (d) The Department may or upon request of the Advisory
19 Council shall, after notice, cause a continuing education
20 school to attend an informal conference before the Advisory
21 Council for failure to comply with any requirement for
22 licensure or for failure to comply with any provision of this
23 Act or the rules for the administration of this Act. The
24 Advisory Council shall make a recommendation to the Board as a
25 result of its findings at the conclusion of any such informal
26 conference.

1 (e) All continuing education schools shall maintain these
2 minimum criteria and pay the required fee in order to retain
3 their continuing education school license.

4 (f) All continuing education schools shall submit, at the
5 time of initial application and with each license renewal, a
6 list of courses with course materials to be offered by the
7 continuing education school. The Department, however, shall
8 establish a mechanism whereby continuing education schools may
9 apply for and obtain approval for continuing education courses
10 that are submitted after the time of initial application or
11 renewal. The Department shall provide to each continuing
12 education school a certificate for each approved continuing
13 education course. All continuing education courses shall be
14 valid for the period coinciding with the term of license of the
15 continuing education school. All continuing education schools
16 shall provide a copy of the certificate of the continuing
17 education course within the course materials given to each
18 student or shall display a copy of the certificate of the
19 continuing education course in a conspicuous place at the
20 location of the class.

21 (g) Each continuing education school shall provide to the
22 Department a monthly report in a format determined by the
23 Department, with information concerning students who
24 successfully completed all approved continuing education
25 courses offered by the continuing education school for the
26 prior month.

1 (h) The Department, upon the recommendation of the Advisory
2 Council, may temporarily suspend a licensed continuing
3 education school's approved courses without hearing and refuse
4 to accept successful completion of or participation in any of
5 these continuing education courses for continuing education
6 credit from that school upon the failure of that continuing
7 education school to comply with the provisions of this Act or
8 the rules for the administration of this Act, until such time
9 as the Department receives satisfactory assurance of
10 compliance. The Department shall notify the continuing
11 education school of the noncompliance and may initiate
12 disciplinary proceedings pursuant to this Act. The Department
13 may refuse to issue, suspend, revoke, or otherwise discipline
14 the license of a continuing education school or may withdraw
15 approval of a continuing education course for good cause.
16 Failure to comply with the requirements of this Section or any
17 other requirements established by rule shall be deemed to be
18 good cause. Disciplinary proceedings shall be conducted by the
19 Board in the same manner as other disciplinary proceedings
20 under this Act.

21 (Source: P.A. 96-856, eff. 12-31-09.)

22 (225 ILCS 454/35-5)

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

24 Sec. 35-5. Savings provisions.

25 (a) This Act is intended to replace the Real Estate License

1 Act of 1983 in all respects.

2 (b) The ~~Beginning December 31, 1999,~~ the rights, powers,
3 and duties exercised by the Office of Banks and Real Estate
4 under the Real Estate License Act of 1983 shall continue to be
5 vested in, be the obligation of, and shall be exercised by the
6 Division of Real Estate of the Department of Financial and
7 Professional Regulation ~~Office of Banks and Real Estate~~ under
8 the provisions of this Act.

9 (c) This Act does not affect any act done, ratified, or
10 cancelled, or any right occurring or established, or any action
11 or proceeding had or commenced in an administrative, civil, or
12 criminal cause before December 31, 1999, by the Office of Banks
13 and Real Estate under the Real Estate License Act of 1983, and
14 those actions or proceedings may be prosecuted and continued by
15 the Division of Real Estate of the Department of Financial and
16 Professional Regulation ~~Office of Banks and Real Estate~~ under
17 this Act.

18 (d) This Act does not affect any license, certificate,
19 permit, or other form of licensure or authorization issued by
20 the Office of Banks and Real Estate under the Real Estate
21 License Act of 1983 or by the Division of Professional
22 Regulation of the Department of Financial and Professional
23 Regulation under this Act, and all such licenses, certificates,
24 permits, or other form of licensure or authorization shall
25 continue to be valid under the terms and conditions of this
26 Act.

1 (e) The rules adopted by the Office of Banks and Real
2 Estate relating to the Real Estate License Act of 1983, unless
3 inconsistent with the provisions of this Act, are not affected
4 by this Act, and on December 31, 1999 those rules become the
5 rules under this Act. The Office of Banks and Real Estate
6 shall, as soon as practicable, adopt new or amended rules
7 consistent with the provisions of this Act.

8 (f) This Act does not affect any discipline, suspension, or
9 termination taken under the Real Estate License Act of 1983 and
10 that discipline, suspension, or termination shall be continued
11 under this Act.

12 (g) This Act does not affect any appointments, term
13 limitations, years served, or other matters relating to
14 individuals serving on any board or council under the Real
15 Estate License Act of 1983, and these appointments, term
16 limitations, years served, and other matters shall be continued
17 under this Act.

18 (Source: P.A. 91-245, eff. 12-31-99.)

19 (225 ILCS 454/5-46 rep.)

20 (225 ILCS 454/5-47 rep.)

21 Section 960. The Real Estate License Act of 2000 is amended
22 by repealing Sections 5-46 and 5-47.

23 Section 965. The Professional Service Corporation Act is
24 amended by changing Sections 2, 3.1, 3.2, 3.6, 12, 12.1, and 13

1 and by adding Sections 13.5 and 15.5 as follows:

2 (805 ILCS 10/2) (from Ch. 32, par. 415-2)

3 Sec. 2. It is the legislative intent to provide for the
4 incorporation of an individual or group of individuals to
5 render the same professional service or related professional
6 services to the public for which such individuals are required
7 by law to be licensed or to obtain other legal authorization,
8 while preserving the established professional aspects of the
9 personal relationship between the professional person and
10 those he or she serves professionally.

11 (Source: P.A. 78-783.)

12 (805 ILCS 10/3.1) (from Ch. 32, par. 415-3.1)

13 Sec. 3.1. "Ancillary personnel" means such person acting in
14 their customary capacities, employed by those rendering a
15 professional service who:

16 (1) Are not licensed to engage in the category of
17 professional service for which a professional corporation was
18 formed; and

19 (2) Work at the direction or under the supervision of those
20 who are so licensed; and

21 (3) Do not hold themselves out to the public generally as
22 being authorized to engage in the practice of the profession
23 for which the corporation is licensed; and

24 (4) Are not prohibited by the regulating ~~licensing~~

1 authority, regulating the category of professional service
2 rendered by the corporation from being so employed and includes
3 clerks, secretaries, technicians and other assistants who are
4 not usually and ordinarily considered by custom and practice to
5 be rendering the professional services for which the
6 corporation was formed.

7 (Source: P.A. 77-565.)

8 (805 ILCS 10/3.2) (from Ch. 32, par. 415-3.2)

9 Sec. 3.2. "Regulating authority" means ~~the State board,~~
10 ~~department, agency or~~ the Supreme Court of Illinois (in the
11 case of attorneys at law), the Department of Financial and
12 Professional Regulation, or other State board, department, or
13 agency having jurisdiction to grant a license to render the
14 category of professional service for which a professional
15 corporation has been organized, or ~~or~~ the United States Patent
16 Office, or the Internal Revenue Service of the United States
17 Treasury Department.

18 (Source: P.A. 78-561.)

19 (805 ILCS 10/3.6) (from Ch. 32, par. 415-3.6)

20 Sec. 3.6. "Related professions" and "related professional
21 services" mean more than one personal service which requires as
22 a condition precedent to the rendering thereof the obtaining of
23 a license and which prior to October 1, 1973 could not be
24 performed by a corporation by reason of law; provided, however,

1 that these terms shall be restricted to:

2 (1) a combination of 2 ~~two~~ or more of the following
3 personal services: (a) "architecture" as defined in
4 Section 5 of the Illinois Architecture Practice Act of
5 1989, (b) "professional engineering" as defined in Section
6 4 of the Professional Engineering Practice Act of 1989, (c)
7 "structural engineering" as defined in Section 5 of the
8 Structural Engineering Practice Act of 1989, (d) "land
9 surveying" as defined in Section 2 of the Illinois
10 Professional Land Surveyor Act of 1989; ~~or~~

11 (2) a combination of the following personal services:
12 (a) the practice of medicine by persons licensed under the
13 Medical Practice Act of 1987, (b) the practice of podiatry
14 as defined in ~~Section 5 of~~ the Podiatric Medical Practice
15 Act of 1987, (c) the practice of dentistry as defined in
16 the Illinois Dental Practice Act, (d) the practice of
17 optometry as defined in the Illinois Optometric Practice
18 Act of 1987; ~~or~~

19 (3) a combination of 2 or more of the following
20 personal services: (a) the practice of clinical psychology
21 by persons licensed under the Clinical Psychologist
22 Licensing Act, (b) the practice of social work or clinical
23 social work by persons licensed under the Clinical Social
24 Work and Social Work Practice Act, (c) the practice of
25 marriage and family therapy by persons licensed under the
26 Marriage and Family Therapy Licensing Act, (d) the practice

1 of professional counseling or clinical professional
2 counseling by persons licensed under the Professional
3 Counselor and Clinical Professional Counselor Licensing
4 and Practice Act, or (e) the practice of sex offender
5 evaluations by persons licensed under the Sex Offender
6 Evaluation and Treatment Provider Act; or

7 (4) a combination of 2 or more of the following
8 personal services: (a) the practice of acupuncture by
9 persons licensed under the Acupuncture Practice Act, (b)
10 the practice of massage by persons licensed under the
11 Massage Licensing Act, (c) the practice of naprapathy by
12 persons licensed under the Naprapathic Practice Act, (d)
13 the practice of occupational therapy by persons licensed
14 under the Illinois Occupational Therapy Practice Act, or
15 (e) the practice of physical therapy by persons licensed
16 under the Illinois Physical Therapy Act.

17 (Source: P.A. 95-738, eff. 1-1-09.)

18 (805 ILCS 10/12) (from Ch. 32, par. 415-12)

19 Sec. 12. (a) No corporation shall open, operate or maintain
20 an establishment for any of the purposes for which a
21 corporation may be organized under this Act without a
22 certificate of registration from the regulating authority
23 authorized by law to license individuals to engage in the
24 profession or related professions concerned. Application for
25 such registration shall be made in writing, and shall contain

1 the name and primary mailing address of the corporation, the
2 name and address of the corporation's registered agent, the
3 address of the practice location maintained by the corporation,
4 each assumed name being used by the corporation, and such other
5 information as may be required by the regulating authority. All
6 official correspondence from the regulating authority shall be
7 mailed to the primary mailing address of the corporation except
8 that the corporation may elect to have renewal and non-renewal
9 notices sent to the registered agent of the corporation. Upon
10 receipt of such application, the regulating authority, or some
11 administrative agency of government designated by it, shall
12 make an investigation of the corporation. If the regulating
13 authority is the Supreme Court it may designate the bar or
14 legal association which investigates and prefers charges
15 against lawyers to it for disciplining. If such authority finds
16 that the incorporators, officers, directors and shareholders
17 are each licensed pursuant to the laws of Illinois to engage in
18 the particular profession or related professions involved
19 (except that the secretary of the corporation need not be so
20 licensed), and if no disciplinary action is pending before it
21 against any of them, and if it appears that the corporation
22 will be conducted in compliance with the law and the
23 regulations and rules of the regulating authority, such
24 authority, shall issue, upon payment of a registration fee of
25 \$50, a certificate of registration.

26 A separate application shall be submitted for each business

1 location in Illinois. If the corporation is using more than one
2 fictitious or assumed name and has an address different from
3 that of the parent company, a separate application shall be
4 submitted for each fictitious or assumed name.

5 Upon written application of the holder, the regulating
6 authority which originally issued the certificate of
7 registration shall renew the certificate if it finds that the
8 corporation has complied with its regulations and the
9 provisions of this Act.

10 The fee for the renewal of a certificate of registration
11 shall be calculated at the rate of \$40 per year.

12 The certificate of registration shall be conspicuously
13 posted upon the premises to which it is applicable, ~~and the~~
14 ~~professional corporation shall have only those offices which~~
15 ~~are designated by street address in the articles of~~
16 ~~incorporation, or as changed by amendment of such articles.~~ No
17 certificate of registration shall be assignable.

18 (b) Moneys collected under this Section from a professional
19 corporation organized to practice law shall be deposited into
20 the Supreme Court Special Purposes Fund.

21 (c) After the effective date of this amendatory Act of the
22 98th General Assembly, the amount of any fee collected under
23 this Section from a professional corporation organized to
24 practice law may be set by Supreme Court rule, except that the
25 amount of the fees shall remain as set by statute until the
26 Supreme Court adopts rules specifying a higher or lower fee

1 amount.

2 (Source: P.A. 98-324, eff. 10-1-13.)

3 (805 ILCS 10/12.1) (from Ch. 32, par. 415-12.1)

4 Sec. 12.1. Any corporation which on 2 occasions issues or
5 delivers a check or other order to the Department of Financial
6 and Professional Regulation which is not honored by the
7 financial institution upon which it is drawn because of
8 insufficient funds on account, shall pay to the Department, in
9 addition to the amount owing upon such check or other order, a
10 fee of \$50. If such check or other order was issued or
11 delivered in payment of a renewal fee and the corporation whose
12 certificate of registration has lapsed continues to practice as
13 a corporation without paying the renewal fee and the \$50 fee
14 required under this Section, an additional fee of \$100 shall be
15 imposed for practicing without a current license. The
16 Department shall notify the corporation whose certificate of
17 registration has lapsed, within 30 days after the discovery by
18 the Department that such corporation is operating without a
19 current certificate, that the corporation is operating without
20 a certificate, and of the amount due to the Department, which
21 shall include the lapsed renewal fee and all other fees
22 required by this Section. If after the expiration of 30 days
23 from the date of such notification, the corporation whose
24 certificate has lapsed seeks a current certificate, it shall
25 thereafter apply to the Department for reinstatement of the

1 certificate and pay all fees due to the Department. The
2 Department may establish a fee for the processing of an
3 application for reinstatement of a certificate which allows the
4 Department to pay all costs and expenses incident to the
5 processing of this application. The Director may waive the fees
6 due under this Section in individual cases where he finds that
7 in the particular case such fees would be unreasonable or
8 unnecessarily burdensome.

9 (Source: P.A. 85-1209.)

10 (805 ILCS 10/13) (from Ch. 32, par. 415-13)

11 Sec. 13. The regulating authority which issued the
12 certificate of registration may suspend or revoke the
13 certificate or may otherwise discipline the certificate holder
14 ~~it~~ for any of the following reasons:

15 (a) The revocation or suspension of the license to practice
16 the profession of any officer, director, shareholder or
17 employee not promptly removed or discharged by the corporation;
18 (b) unethical professional conduct on the part of any officer,
19 director, shareholder or employee not promptly removed or
20 discharged by the corporation; (c) the death of the last
21 remaining shareholder; (d) upon finding that the holder of a
22 certificate has failed to comply with the provisions of this
23 Act or the regulations prescribed by the regulating authority
24 that issued it; or (e) the failure to file a return, or to pay
25 the tax, penalty or interest shown in a filed return, or to pay

1 any final assessment of tax, penalty or interest, as required
2 by any tax Act administered by the Illinois Department of
3 Revenue, until such time as the requirements of any such tax
4 Act are satisfied.

5 Before any certificate of registration is suspended or
6 revoked, the holder shall be given written notice of the
7 proposed action and the reasons therefor, and shall provide a
8 public hearing by the regulating authority, with the right to
9 produce testimony and other evidence concerning the charges
10 made. The notice shall also state the place and date of the
11 hearing which shall be at least 10 days after service of said
12 notice.

13 All orders of regulating authorities denying an
14 application for a certificate of registration, ~~or~~ suspending or
15 revoking a certificate of registration, or imposing a civil
16 penalty shall be subject to judicial review pursuant to the
17 provisions of the Administrative Review Law, as now or
18 hereafter amended, and the rules adopted pursuant thereto then
19 in force.

20 The proceedings for judicial review shall be commenced in
21 the circuit court of the county in which the party applying for
22 review is located. If the party is not currently located in
23 Illinois, the venue shall be in Sangamon County. The regulating
24 authority shall not be required to certify any record to the
25 court or file any answer in court or otherwise appear in any
26 court in a judicial review proceeding, unless and until the

1 regulating authority has received from the plaintiff payment of
2 the costs of furnishing and certifying the record, which costs
3 shall be determined by the regulating authority. Exhibits shall
4 be certified without cost. Failure on the part of the plaintiff
5 to file a receipt in court is grounds for dismissal of the
6 action.

7 (Source: P.A. 85-1222.)

8 (805 ILCS 10/13.5 new)

9 Sec. 13.5. Notice of violation. Whenever the regulating
10 authority has reason to believe a corporation has opened,
11 operated, or maintained an establishment for any of the
12 purposes for which a corporation may be organized under this
13 Act without a certificate of registration from the regulating
14 authority authorized by law to license individuals to engage in
15 the profession or related professions, the regulating
16 authority may issue a notice of violation to the corporation.
17 The notice of violation shall provide a period of 30 days from
18 the date of the notice to either file an answer to the
19 satisfaction of the regulating authority or submit an
20 application for registration in compliance with this Act,
21 including payment of the \$50 application fee and a late fee of
22 \$100 for each year that the corporation opened, operated, or
23 maintained an establishment for any of the purposes for which a
24 corporation may be organized under this Act without having been
25 issued a certificate of registration, with a maximum late fee

1 of \$500. If the corporation that is the subject of the notice
2 of violation fails to respond, fails to respond to the
3 satisfaction of the regulating authority, or fails to submit an
4 application for registration, the regulating authority may
5 institute disciplinary proceedings against the corporation and
6 may impose a civil penalty up to \$1,000 for violation of this
7 Act after affording the corporation a hearing in conformance
8 with the requirements of this Act.

9 (805 ILCS 10/15.5 new)

10 Sec. 15.5. Confidentiality. All information collected by
11 the regulating authority in the course of an examination or
12 investigation of a holder of a certificate of registration or
13 an applicant, including, but not limited to, any complaint
14 against a holder of a certificate of registration filed with
15 the regulating authority and information collected to
16 investigate any such complaint, shall be maintained for the
17 confidential use of the regulating authority and shall not be
18 disclosed. The regulating authority may not disclose the
19 information to anyone other than law enforcement officials,
20 other regulatory agencies that have an appropriate regulatory
21 interest as determined by the regulating authority, or a party
22 presenting a lawful subpoena to the regulating authority.
23 Information and documents disclosed to a federal, State,
24 county, or local law enforcement agency shall not be disclosed
25 by the agency for any purpose to any other agency or person. A

1 formal complaint filed against a holder of a certificate of
2 registration or an applicant shall be a public record, except
3 as otherwise prohibited by law.

4 Section 970. The Medical Corporation Act is amended by
5 changing Sections 2, 5, 5.1, 8, 10, 11, 12, 13, and 15 and by
6 adding Sections 13.5 and 16.5 as follows:

7 (805 ILCS 15/2) (from Ch. 32, par. 632)

8 Sec. 2. One or more persons licensed pursuant to the
9 Medical Practice Act of 1987, as heretofore or hereafter
10 amended, may form a corporation pursuant to the "Business
11 Corporation Act of 1983", as amended, to own, operate and
12 maintain an establishment for the study, diagnosis and
13 treatment of human ailments and injuries, whether physical or
14 mental, and to promote medical, surgical and scientific
15 research and knowledge; provided that medical or surgical
16 treatment, consultation or advice may be given by shareholders,
17 directors, officers, agents, and employees of the corporation
18 only if they are licensed pursuant to the Medical Practice Act
19 of 1987; and provided further, however, that nothing herein
20 shall prohibit an attorney licensed to practice law in Illinois
21 from signing and acting as initial incorporator on behalf of
22 such corporation.

23 (Source: P.A. 85-1209.)

1 (805 ILCS 15/5) (from Ch. 32, par. 635)

2 Sec. 5. No corporation shall open, operate or maintain an
3 establishment for any of the purposes set forth in Section 2 of
4 this Act without a certificate of registration from the
5 Department of Financial and Professional Regulation,
6 hereinafter called the Department. Application for such
7 registration shall be made to the Department in writing and
8 shall contain the name and primary mailing address of the
9 corporation, the name and address of the corporation's
10 registered agent, the address of the practice location
11 maintained by the corporation, each assumed name being used by
12 the corporation, and such other information as may be required
13 by the Department. All official correspondence from the
14 Department shall be mailed to the primary mailing address of
15 the corporation except that the corporation may elect to have
16 renewal and non-renewal notices sent to the registered agent of
17 the corporation. A separate application shall be submitted for
18 each business location in Illinois. If the corporation is using
19 more than one fictitious or assumed name and has an address
20 different from that of the parent company, a separate
21 application shall be submitted for each fictitious or assumed
22 name. Upon receipt of such application, the Department shall
23 make an investigation of the corporation. If the Department
24 finds that the incorporators, officers, directors and
25 shareholders are all licensed pursuant to the Medical Practice
26 Act of 1987 and if no disciplinary action is pending before the

1 Department against any of them, and if it appears that the
2 corporation will be conducted in compliance with law and the
3 regulations of the Department, the Department shall issue, upon
4 payment of a registration fee of \$50, a certificate of
5 registration.

6 (Source: P.A. 85-1209.)

7 (805 ILCS 15/5.1)

8 Sec. 5.1. Deposit of fees and fines. Beginning July 1,
9 2003, all of the fees, civil penalties, and fines collected
10 under this Act shall be deposited into the General Professions
11 Dedicated Fund.

12 (Source: P.A. 93-32, eff. 7-1-03.)

13 (805 ILCS 15/8) (from Ch. 32, par. 638)

14 Sec. 8. In the event of a change of location of the
15 registered establishment, the corporation shall notify the
16 Department, in accordance with its regulations, and the
17 Department shall amend the certificate of registration so that
18 it shall apply to the new location.

19 (Source: Laws 1963, p. 3513.)

20 (805 ILCS 15/10) (from Ch. 32, par. 640)

21 Sec. 10. The Department may suspend or revoke any
22 certificate of registration or may otherwise discipline the
23 certificate holder for any of the following reasons: (a) the

1 revocation or suspension of the license to practice medicine of
2 any officer, director, shareholder or employee not promptly
3 removed or discharged by the corporation; (b) unethical
4 professional conduct on the part of any officer, director,
5 shareholder or employee not promptly removed or discharged by
6 the corporation; (c) the death of the last remaining
7 shareholder; or (d) upon finding that the holder of a
8 certificate has failed to comply with the provisions of this
9 Act or the regulations prescribed by the Department.

10 The Department may refuse to issue or renew or may suspend
11 the certificate of any corporation which fails to file a
12 return, or to pay the tax, penalty or interest shown in a filed
13 return, or to pay any final assessment of tax, penalty or
14 interest, as required by any tax Act administered by the
15 Illinois Department of Revenue, until such time as the
16 requirements of any such tax Act are satisfied.

17 (Source: P.A. 85-1222.)

18 (805 ILCS 15/11) (from Ch. 32, par. 641)

19 Sec. 11. Before any certificate of registration is
20 suspended or revoked, the holder shall be given written notice
21 of the proposed action and the reasons therefor, and shall be
22 given a public hearing by the Department with the right to
23 produce testimony concerning the charges made. The notice shall
24 also state the place and date of the hearing which shall be at
25 least 10 ~~5~~ days after service of said notice.

1 (Source: Laws 1963, p. 3513.)

2 (805 ILCS 15/12) (from Ch. 32, par. 642)

3 Sec. 12. The provisions of the Administrative Review Law,
4 as heretofore or hereafter amended, and all rules adopted
5 pursuant thereto, shall apply to and govern all proceedings for
6 the judicial review of final administrative decisions of the
7 Department hereunder. The term "administrative decision" is
8 defined as in Section 3-101 of the Code of Civil Procedure.

9 The proceedings for judicial review shall be commenced in
10 the circuit court of the county in which the party applying for
11 review is located. If the party is not currently located in
12 Illinois, the venue shall be in Sangamon County. The Department
13 shall not be required to certify any record to the court or
14 file any answer in court or otherwise appear in any court in a
15 judicial review proceeding, unless and until the Department has
16 received from the plaintiff payment of the costs of furnishing
17 and certifying the record, which costs shall be determined by
18 the Department. Exhibits shall be certified without cost.
19 Failure on the part of the plaintiff to file a receipt in court
20 is grounds for dismissal of the action.

21 (Source: P.A. 82-783.)

22 (805 ILCS 15/13) (from Ch. 32, par. 643)

23 Sec. 13. (a) All of the officers, directors and
24 shareholders of a corporation subject to this Act shall at all

1 times be persons licensed pursuant to the Medical Practice Act
2 of 1987. No person who is not so licensed shall have any part
3 in the ownership, management, or control of such corporation,
4 nor may any proxy to vote any shares of such corporation be
5 given to a person who is not so licensed. Notwithstanding any
6 provisions to the contrary in the "Business Corporation Act of
7 1983", as now or hereafter amended, if all of the shares of a
8 corporation subject to this Act are owned by one shareholder,
9 the office of president and secretary may be held by the same
10 person.

11 (b) No corporation may issue any of its capital stock to
12 anyone other than an individual who is duly licensed under the
13 Medical Practice Act of 1987. No shareholder shall enter into a
14 voting trust agreement or any other type of agreement vesting
15 another person with the authority to exercise the voting power
16 of any of his or her stock.

17 (c) A corporation may, for purposes of dissolution, have as
18 its shareholders, directors, officers, agents, and employees
19 individuals who are not licensed under the Medical Practice Act
20 of 1987, provided that the corporation does not render any
21 medical services nor hold itself out as capable of or available
22 to render medical services during the period of dissolution.
23 The Department shall not issue or renew any certificate of
24 authority to a corporation during the period of dissolution. A
25 copy of the certificate of dissolution, as issued by the
26 Secretary of State, shall be delivered to the Department within

1 30 days after its receipt by the incorporators.

2 (Source: P.A. 85-1209.)

3 (805 ILCS 15/13.5 new)

4 Sec. 13.5. Notice of violation. Whenever the Department has
5 reason to believe a corporation has opened, operated, or
6 maintained an establishment for any of the purposes for which a
7 corporation may be organized under this Act without a
8 certificate of registration from the Department, the
9 Department may issue a notice of violation to the corporation.
10 The notice of violation shall provide a period of 30 days from
11 the date of the notice to either file an answer to the
12 satisfaction of the Department or submit an application for
13 registration in compliance with this Act, including payment of
14 the \$50 application fee and a late fee of \$100 for each year
15 that the corporation opened, operated, or maintained an
16 establishment for any of the purposes for which a corporation
17 may be organized under this Act without having been issued a
18 certification of registration, with a maximum late fee of \$500.
19 If the corporation that is the subject of the notice of
20 violation fails to respond, fails to respond to the
21 satisfaction of the Department, or fails to submit an
22 application for registration, the Department may institute
23 disciplinary proceedings against the corporation and may
24 impose a civil penalty up to \$1,000 for violation of this Act
25 after affording the corporation a hearing in conformance with

1 the requirements of this Act.

2 (805 ILCS 15/15) (from Ch. 32, par. 645)

3 Sec. 15. Each individual shareholder, director, officer,
4 agent, or employee licensed pursuant to the Medical Practice
5 Act of 1987 who is employed by a corporation subject to this
6 Act shall remain subject to ~~reprimand or~~ discipline for his
7 conduct under the provisions of the Medical Practice Act of
8 1987.

9 (Source: P.A. 85-1209.)

10 (805 ILCS 15/16.5 new)

11 Sec. 16.5. Confidentiality. All information collected by
12 the Department in the course of an examination or investigation
13 of a holder of a certificate of registration or an applicant,
14 including, but not limited to, any complaint against a holder
15 of a certificate of registration filed with the Department and
16 information collected to investigate any such complaint, shall
17 be maintained for the confidential use of the Department and
18 shall not be disclosed. The Department may not disclose the
19 information to anyone other than law enforcement officials,
20 other regulatory agencies that have an appropriate regulatory
21 interest as determined by the Secretary, or a party presenting
22 a lawful subpoena to the Department. Information and documents
23 disclosed to a federal, State, county, or local law enforcement
24 agency shall not be disclosed by the agency for any purpose to

1 any other agency or person. A formal complaint filed against a
2 holder of a certificate of registration by the Department or
3 any order issued by the Department against a holder of a
4 certificate of registration or an applicant shall be a public
5 record, except as otherwise prohibited by law.

6 Section 975. The Limited Liability Company Act is amended
7 by changing Sections 1-10, 1-25, 1-28, 5-5, and 5-55 as
8 follows:

9 (805 ILCS 180/1-10)

10 Sec. 1-10. Limited liability company name.

11 (a) The name of each limited liability company or foreign
12 limited liability company organized, existing, or subject to
13 the provisions of this Act:

14 (1) shall contain the terms "limited liability
15 company", "L.L.C.", or "LLC", or, if organized as a
16 low-profit limited liability company under Section 1-26 of
17 this Act, shall contain the term "L3C";

18 (2) may not contain a word or phrase, or an
19 abbreviation or derivation thereof, the use of which is
20 prohibited or restricted by any other statute of this State
21 unless the restriction has been complied with;

22 (3) shall consist of letters of the English alphabet,
23 Arabic or Roman numerals, or symbols capable of being
24 readily reproduced by the Office of the Secretary of State;

1 (4) shall not contain any of the following terms:
2 "Corporation," "Corp.," "Incorporated," "Inc.," "Ltd.,"
3 "Co.," "Limited Partnership" or "L.P.";

4 (5) shall be the name under which the limited liability
5 company transacts business in this State unless the limited
6 liability company also elects to adopt an assumed name or
7 names as provided in this Act; provided, however, that the
8 limited liability company may use any divisional
9 designation or trade name without complying with the
10 requirements of this Act, provided the limited liability
11 company also clearly discloses its name;

12 (6) shall not contain any word or phrase that indicates
13 or implies that the limited liability company is authorized
14 or empowered to be in the business of a corporate fiduciary
15 unless otherwise permitted by the Secretary of Financial
16 and Professional Regulation Commissioner of the Office of
17 ~~Banks and Real Estate~~ under Section 1-9 of the Corporate
18 Fiduciary Act. The word "trust", "trustee", or "fiduciary"
19 may be used by a limited liability company only if it has
20 first complied with Section 1-9 of the Corporate Fiduciary
21 Act; and

22 (7) shall contain the word "trust", if it is a limited
23 liability company organized for the purpose of accepting
24 and executing trusts. ~~and~~

25 ~~(8) shall not, as to any limited liability company~~
26 ~~organized or amending its company name on or after April 3,~~

1 ~~2009 (the effective date of Public Act 96-7), without the~~
2 ~~express written consent of the United States Olympic~~
3 ~~Committee, contain the words: (i) "Olympic"; (ii)~~
4 ~~"Olympiad"; (iii) "Paralympic"; (iv) "Paralympiad"; (v)~~
5 ~~"Citius Altius Fortius"; or (vi) "CHICOG".~~

6 (b) Nothing in this Section or Section 1-20 shall abrogate
7 or limit the common law or statutory law of unfair competition
8 or unfair trade practices, nor derogate from the common law or
9 principles of equity or the statutes of this State or of the
10 United States of America with respect to the right to acquire
11 and protect copyrights, trade names, trademarks, service
12 marks, service names, or any other right to the exclusive use
13 of names or symbols.

14 (c) (Blank).

15 (d) The name shall be distinguishable upon the records in
16 the Office of the Secretary of State from all of the following:

17 (1) Any limited liability company that has articles of
18 organization filed with the Secretary of State under
19 Section 5-5.

20 (2) Any foreign limited liability company admitted to
21 transact business in this State.

22 (3) Any name for which an exclusive right has been
23 reserved in the Office of the Secretary of State under
24 Section 1-15.

25 (4) Any assumed name that is registered with the
26 Secretary of State under Section 1-20.

1 (5) Any corporate name or assumed corporate name of a
2 domestic or foreign corporation subject to the provisions
3 of Section 4.05 of the Business Corporation Act of 1983 or
4 Section 104.05 of the General Not For Profit Corporation
5 Act of 1986.

6 (e) The provisions of subsection (d) of this Section shall
7 not apply if the organizer files with the Secretary of State a
8 certified copy of a final decree of a court of competent
9 jurisdiction establishing the prior right of the applicant to
10 the use of that name in this State.

11 (f) The Secretary of State shall determine whether a name
12 is "distinguishable" from another name for the purposes of this
13 Act. Without excluding other names that may not constitute
14 distinguishable names in this State, a name is not considered
15 distinguishable, for purposes of this Act, solely because it
16 contains one or more of the following:

17 (1) The word "limited", "liability" or "company" or an
18 abbreviation of one of those words.

19 (2) Articles, conjunctions, contractions,
20 abbreviations, or different tenses or number of the same
21 word.

22 (Source: P.A. 98-720, eff. 7-16-14.)

23 (805 ILCS 180/1-25)

24 Sec. 1-25. Nature of business.

25 (a) A limited liability company may be formed for any

1 lawful purpose or business except:

2 (1) (blank);

3 (2) insurance unless, for the purpose of carrying on
4 business as a member of a group including incorporated and
5 individual unincorporated underwriters, the Director of
6 Insurance finds that the group meets the requirements of
7 subsection (3) of Section 86 of the Illinois Insurance Code
8 and the limited liability company, if insolvent, is subject
9 to liquidation by the Director of Insurance under Article
10 XIII of the Illinois Insurance Code;

11 (3) the practice of dentistry unless all the members
12 and managers are licensed as dentists under the Illinois
13 Dental Practice Act; ~~or~~

14 (4) the practice of medicine unless all the managers,
15 if any, are licensed to practice medicine under the Medical
16 Practice Act of 1987 and each member is either:

17 (A) licensed to practice medicine under the
18 Medical Practice Act of 1987; or

19 (B) a registered medical corporation or
20 corporations organized pursuant to the Medical
21 Corporation Act; or

22 (C) a professional corporation organized pursuant
23 to the Professional Service Corporation Act of
24 physicians licensed to practice under the Medical
25 Practice Act of 1987; ~~or~~

26 (C-5) a hospital or hospital affiliate as defined

1 in Section 10.8 of the Hospital Licensing Act; or

2 (D) a limited liability company that satisfies the
3 requirements of subparagraph (A), (B), ~~or~~ (C), or
4 (C-5);

5 (5) the practice of real estate unless all the
6 managers, if any, or every member in a member-managed
7 company are licensed to practice as a managing broker or
8 broker pursuant to the Real Estate License Act of 2000;

9 (6) the practice of clinical psychology unless all the
10 managers and members are licensed to practice as a clinical
11 psychologist under the Clinical Psychologist Licensing
12 Act;

13 (7) the practice of social work unless all the managers
14 and members are licensed to practice as a clinical social
15 worker or social worker under the Clinical Social Work and
16 Social Work Practice Act;

17 (8) the practice of marriage and family therapy unless
18 all the managers and members are licensed to practice as a
19 marriage and family therapist under the Marriage and Family
20 Therapy Licensing Act;

21 (9) the practice of professional counseling unless all
22 the managers and members are licensed to practice as a
23 clinical professional counselor or a professional
24 counselor under the Professional Counselor and Clinical
25 Professional Counselor Licensing and Practice Act;

26 (10) the practice of sex offender evaluations unless

1 all the managers and members are licensed to practice as a
2 sex offender evaluator under the Sex Offender Evaluation
3 and Treatment Provider Act; or

4 (11) the practice of veterinary medicine unless all the
5 managers and members are licensed to practice as a
6 veterinarian under the Veterinary Medicine and Surgery
7 Practice Act of 2004.

8 (b) Notwithstanding any provision of this Section, any of
9 the following professional services may be combined and offered
10 within a single company provided that each professional service
11 is only offered by persons licensed to provide that
12 professional service and all managers and members are licensed
13 in at least one of the professional services offered by the
14 company:

15 (1) the practice of medicine by physicians licensed
16 under the Medical Practice Act of 1987, the practice of
17 podiatry by podiatrists licensed under the Podiatric
18 Medical Practice Act of 1987, the practice of dentistry by
19 dentists licensed under the Illinois Dental Practice Act,
20 and the practice of optometry by optometrists licensed
21 under the Illinois Optometric Practice Act of 1987; or

22 (2) the practice of clinical psychology by clinical
23 psychologists licensed under the Clinical Psychologist
24 Licensing Act, the practice of social work by clinical
25 social workers or social workers licensed under the
26 Clinical Social Work and Social Work Practice Act, the

1 practice of marriage and family counseling by marriage and
2 family therapists licensed under the Marriage and Family
3 Therapy Licensing Act, the practice of professional
4 counseling by professional counselors and clinical
5 professional counselors licensed under the Professional
6 Counselor and Clinical Professional Counselor Licensing
7 and Practice Act, and the practice of sex offender
8 evaluations by sex offender evaluators licensed under the
9 Sex Offender Evaluation and Treatment Provider Act.

10 (c) Professional limited liability companies may be
11 organized under this Act.

12 (Source: P.A. 95-331, eff. 8-21-07; 95-738, eff. 1-1-09.)

13 (805 ILCS 180/1-28)

14 Sec. 1-28. Certificate of Registration; Department of
15 Financial and Professional Regulation. This Section applies
16 only to a limited liability company that intends to provide, or
17 does provide, professional services that require the
18 individuals engaged in the profession to be licensed by the
19 Department of Financial and Professional Regulation. A limited
20 liability company covered by this Section shall not open,
21 operate, or maintain an establishment for any of the purposes
22 for which a limited liability company may be organized under
23 this Act without obtaining a certificate of registration from
24 the Department pursuant to the Professional Limited Liability
25 Company Act.

1 ~~Application for such registration shall be made in writing~~
2 ~~and shall contain the name and address of the limited liability~~
3 ~~company and such other information as may be required by the~~
4 ~~Department. Upon receipt of such application, the Department~~
5 ~~shall make an investigation of the limited liability company.~~
6 ~~If the Department finds that the organizers, managers, and~~
7 ~~members are each licensed pursuant to the laws of Illinois to~~
8 ~~engage in the particular profession or related professions~~
9 ~~involved (except that an initial organizer may be a licensed~~
10 ~~attorney) and if no disciplinary action is pending before the~~
11 ~~Department against any of them and if it appears that the~~
12 ~~limited liability company will be conducted in compliance with~~
13 ~~the law and the rules and regulations of the Department, the~~
14 ~~Department shall issue, upon payment of a registration fee of~~
15 ~~\$50, a certificate of registration.~~

16 ~~Upon written application of the holder, the Department~~
17 ~~shall renew the certificate if it finds that the limited~~
18 ~~liability company has complied with its regulations and the~~
19 ~~provisions of this Act and the applicable licensing Act. This~~
20 ~~fee for the renewal of a certificate of registration shall be~~
21 ~~calculated at the rate of \$40 per year. The certificate of~~
22 ~~registration shall be conspicuously posted upon the premises to~~
23 ~~which it is applicable, and the limited liability company shall~~
24 ~~have only those offices which are designated by street address~~
25 ~~in the articles of organization, or as changed by amendment of~~
26 ~~such articles. A certificate of registration shall not be~~

1 ~~assignable.~~

2 ~~All fees collected under this Section shall be deposited~~
3 ~~into the General Professions Dedicated Fund.~~

4 (Source: P.A. 96-679, eff. 8-25-09; 96-984, eff. 1-1-11;
5 96-1000, eff. 7-2-10.)

6 (805 ILCS 180/5-5)

7 Sec. 5-5. Articles of organization.

8 (a) The articles of organization shall set forth all of the
9 following:

10 (1) The name of the limited liability company and the
11 address of its principal place of business which may, but
12 need not be a place of business in this State.

13 (2) The purposes for which the limited liability
14 company is organized, which may be stated to be, or to
15 include, the transaction of any or all lawful businesses
16 for which limited liability companies may be organized
17 under this Act.

18 (3) The name of its registered agent and the address of
19 its registered office.

20 (4) If the limited liability company is to be managed
21 by a manager or managers, the names and business addresses
22 of the initial manager or managers.

23 (5) If management of the limited liability company is
24 to be vested in the members under Section 15-1, then the
25 names and addresses of the initial member or members.

1 (5.5) The duration of the limited liability company,
2 which shall be perpetual unless otherwise stated.

3 (6) (Blank).

4 (7) The name and address of each organizer.

5 (8) Any other provision, not inconsistent with law,
6 that the members elect to set out in the articles of
7 organization for the regulation of the internal affairs of
8 the limited liability company, including any provisions
9 that, under this Act, are required or permitted to be set
10 out in the operating agreement of the limited liability
11 company.

12 (b) A limited liability company is organized at the time
13 articles of organization are filed by the Secretary of State or
14 at any later time, not more than 60 days after the filing of
15 the articles of organization, specified in the articles of
16 organization.

17 (c) Articles of organization for the organization of a
18 limited liability company for the purpose of accepting and
19 executing trusts shall not be filed by the Secretary of State
20 until there is delivered to him or her a statement executed by
21 the Secretary of Financial and Professional Regulation
22 ~~Commissioner of the Office of Banks and Real Estate~~ that the
23 organizers of the limited liability company have made
24 arrangements with the Secretary of Financial and Professional
25 Regulation ~~Commissioner of the Office of Banks and Real Estate~~
26 to comply with the Corporate Fiduciary Act.

1 (d) Articles of organization for the organization of a
2 limited liability company as a bank or a savings bank must be
3 filed with the Department of Financial and Professional
4 Regulation ~~Commissioner of Banks and Real Estate~~ or, if the
5 bank or savings bank will be organized under federal law, with
6 the appropriate federal banking regulator.

7 (Source: P.A. 98-171, eff. 8-5-13.)

8 (805 ILCS 180/5-55)

9 Sec. 5-55. Filing in Office of Secretary of State.

10 (a) Whenever any provision of this Act requires a limited
11 liability company to file any document with the Office of the
12 Secretary of State, the requirement means that:

13 (1) the original document, executed as described in
14 Section 5-45, and, if required by this Act to be filed in
15 duplicate, one copy (which may be a signed carbon or
16 photocopy) shall be delivered to the Office of the
17 Secretary of State;

18 (2) all fees and charges authorized by law to be
19 collected by the Secretary of State in connection with the
20 filing of the document shall be tendered to the Secretary
21 of State; and

22 (3) unless the Secretary of State finds that the
23 document does not conform to law, he or she shall, when all
24 fees have been paid:

25 (A) endorse on the original and on the copy the

1 word "Filed" and the month, day, and year of the filing
2 thereof;

3 (B) file in his or her office the original of the
4 document; and

5 (C) return the copy to the person who filed it or
6 to that person's representative.

7 (b) If another Section of this Act specifically prescribes
8 a manner of filing or signing a specified document that differs
9 from the corresponding provisions of this Section, then the
10 provisions of the other Section shall govern.

11 (c) Whenever any provision of this Act requires a limited
12 liability company that is a bank or a savings bank to file any
13 document, that requirement means that the filing shall be made
14 exclusively with the Department of Financial and Professional
15 Regulation ~~Commissioner of Banks and Real Estate~~ or, if the
16 bank or savings bank is organized under federal law, with the
17 appropriate federal banking regulator at such times and in such
18 manner as required by the Department ~~Commissioner~~ or federal
19 regulator.

20 (Source: P.A. 92-33, eff. 7-1-01; 93-561, eff. 1-1-04.)

21 Section 999. Effective date. This Act takes effect upon
22 becoming law."