



Rep. Robert Rita

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1 AMENDMENT TO SENATE BILL 2266

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2266 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Real Estate License Act of 2000 is amended  
5 by changing Sections 1-10, 5-27, 5-28, 5-50, 5-70, and 10-25 as  
6 follows:

7 (225 ILCS 454/1-10)

8 (Section scheduled to be repealed on January 1, 2020)

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

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

12 "Address of Record" means the designated address recorded  
13 by the Department in the applicant's or licensee's application  
14 file or license file as maintained by the Department's  
15 licensure maintenance unit. It is the duty of the applicant or  
16 licensee to inform the Department of any change of address, and

1 those changes must be made either through the Department's  
2 website or by contacting the Department.

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

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

9 "Applicant" means any person, as defined in this Section,  
10 who applies to the Department for a valid license as a real  
11 estate broker, real estate salesperson, or leasing agent.

12 "Blind advertisement" means any real estate advertisement  
13 that does not include the sponsoring broker's business name and  
14 that is used by any licensee regarding the sale or lease of  
15 real estate, including his or her own, licensed activities, or  
16 the hiring of any licensee under this Act. The broker's  
17 business name in the case of a franchise shall include the  
18 franchise affiliation as well as the name of the individual  
19 firm.

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

23 "Branch office" means a sponsoring broker's office other  
24 than the sponsoring broker's principal office.

25 "Broker" means an individual, partnership, limited  
26 liability company, corporation, or registered limited

1 liability partnership other than a real estate salesperson or  
2 leasing agent who, whether in person or through any media or  
3 technology, for another and for compensation, or with the  
4 intention or expectation of receiving compensation, either  
5 directly or indirectly:

6 (1) Sells, exchanges, purchases, rents, or leases real  
7 estate.

8 (2) Offers to sell, exchange, purchase, rent, or lease  
9 real estate.

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

13 (4) Lists, offers, attempts, or agrees to list real  
14 estate for sale, lease, or exchange.

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

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

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

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

25 (9) Assists or directs in the negotiation of any  
26 transaction intended to result in the sale, exchange,

1 lease, or rental of real estate.

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

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

6 "Brokerage agreement" means a written or oral agreement  
7 between a sponsoring broker and a consumer for licensed  
8 activities to be provided to a consumer in return for  
9 compensation or the right to receive compensation from another.  
10 Brokerage agreements may constitute either a bilateral or a  
11 unilateral agreement between the broker and the broker's client  
12 depending upon the content of the brokerage agreement. All  
13 exclusive brokerage agreements shall be in writing.

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

16 "Compensation" means the valuable consideration given by  
17 one person or entity to another person or entity in exchange  
18 for the performance of some activity or service. Compensation  
19 shall include the transfer of valuable consideration,  
20 including without limitation the following:

21 (1) commissions;

22 (2) referral fees;

23 (3) bonuses;

24 (4) prizes;

25 (5) merchandise;

26 (6) finder fees;

- 1 (7) performance of services;
- 2 (8) coupons or gift certificates;
- 3 (9) discounts;
- 4 (10) rebates;
- 5 (11) a chance to win a raffle, drawing, lottery, or
- 6 similar game of chance not prohibited by any other law or
- 7 statute;
- 8 (12) retainer fee; or
- 9 (13) salary.

10 "Confidential information" means information obtained by a  
11 licensee from a client during the term of a brokerage agreement  
12 that (i) was made confidential by the written request or  
13 written instruction of the client, (ii) deals with the  
14 negotiating position of the client, or (iii) is information the  
15 disclosure of which could materially harm the negotiating  
16 position of the client, unless at any time:

- 17 (1) the client permits the disclosure of information
- 18 given by that client by word or conduct;
- 19 (2) the disclosure is required by law; or
- 20 (3) the information becomes public from a source other
- 21 than the licensee.

22 "Confidential information" shall not be considered to  
23 include material information about the physical condition of  
24 the property.

25 "Consumer" means a person or entity seeking or receiving  
26 licensed activities.

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

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

6 "Credit hour" means 50 minutes of classroom instruction in  
7 course work that meets the requirements set forth in rules  
8 adopted by the Department.

9 "Customer" means a consumer who is not being represented by  
10 the licensee but for whom the licensee is performing  
11 ministerial acts.

12 "Department" means the Department of Financial and  
13 Professional Regulation.

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

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

21 "Dual agency" means an agency relationship in which a  
22 licensee is representing both buyer and seller or both landlord  
23 and tenant in the same transaction. When the agency  
24 relationship is a designated agency, the question of whether  
25 there is a dual agency shall be determined by the agency  
26 relationships of the designated agent of the parties and not of

1 the sponsoring broker.

2 "Employee" or other derivative of the word "employee", when  
3 used to refer to, describe, or delineate the relationship  
4 between a real estate broker and a real estate salesperson,  
5 another real estate broker, or a leasing agent, shall be  
6 construed to include an independent contractor relationship,  
7 provided that a written agreement exists that clearly  
8 establishes and states the relationship. All responsibilities  
9 of a broker shall remain.

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

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

25 "Exclusive brokerage agreement" means a written brokerage  
26 agreement that provides that the sponsoring broker has the sole

1 right, through one or more sponsored licensees, to act as the  
2 exclusive designated agent or representative of the client and  
3 that meets the requirements of Section 15-75 of this Act.

4 "Inoperative" means a status of licensure where the  
5 licensee holds a current license under this Act, but the  
6 licensee is prohibited from engaging in licensed activities  
7 because the licensee is unsponsored or the license of the  
8 sponsoring broker with whom the licensee is associated or by  
9 whom he or she is employed is currently expired, revoked,  
10 suspended, or otherwise rendered invalid under this Act.

11 "Interactive delivery method" means delivery of a course by  
12 an instructor through a medium allowing for 2-way communication  
13 between the instructor and a student in which either can  
14 initiate or respond to questions.

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

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

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

24 "Licensed activities" means those activities listed in the  
25 definition of "broker" under this Section.

26 "Licensee" means any person, as defined in this Section,



1 who holds a valid unexpired license as a real estate broker,  
2 real estate salesperson, or leasing agent.

3 "Listing presentation" means a communication between a  
4 real estate broker or salesperson and a consumer in which the  
5 licensee is attempting to secure a brokerage agreement with the  
6 consumer to market the consumer's real estate for sale or  
7 lease.

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

12 "Medium of advertising" means any method of communication  
13 intended to influence the general public to use or purchase a  
14 particular good or service or real estate.

15 "Ministerial acts" means those acts that a licensee may  
16 perform for a consumer that are informative or clerical in  
17 nature and do not rise to the level of active representation on  
18 behalf of a consumer. Examples of these acts include without  
19 limitation (i) responding to phone inquiries by consumers as to  
20 the availability and pricing of brokerage services, (ii)  
21 responding to phone inquiries from a consumer concerning the  
22 price or location of property, (iii) attending an open house  
23 and responding to questions about the property from a consumer,  
24 (iv) setting an appointment to view property, (v) responding to  
25 questions of consumers walking into a licensee's office  
26 concerning brokerage services offered or particular

1 properties, (vi) accompanying an appraiser, inspector,  
2 contractor, or similar third party on a visit to a property,  
3 (vii) describing a property or the property's condition in  
4 response to a consumer's inquiry, (viii) completing business or  
5 factual information for a consumer on an offer or contract to  
6 purchase on behalf of a client, (ix) showing a client through a  
7 property being sold by an owner on his or her own behalf, or  
8 (x) referral to another broker or service provider.

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

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

18 "Personal assistant" means a licensed or unlicensed person  
19 who has been hired for the purpose of aiding or assisting a  
20 sponsored licensee in the performance of the sponsored  
21 licensee's job.

22 "Pocket card" means the card issued by the Department to  
23 signify that the person named on the card is currently licensed  
24 under this Act.

25 "Pre-license school" means a school licensed by the  
26 Department offering courses in subjects related to real estate

1 transactions, including the subjects upon which an applicant is  
2 examined in determining fitness to receive a license.

3 "Pre-renewal period" means the period between the date of  
4 issue of a currently valid license and the license's expiration  
5 date.

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

10 "Real estate" means and includes leaseholds as well as any  
11 other interest or estate in land, whether corporeal,  
12 incorporeal, freehold, or non-freehold, including timeshare  
13 interests, and whether the real estate is situated in this  
14 State or elsewhere.

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

21 "Salesperson" means any individual, other than a real  
22 estate broker or leasing agent, who is employed by a real  
23 estate broker or is associated by written agreement with a real  
24 estate broker as an independent contractor and participates in  
25 any activity described in the definition of "broker" under this  
26 Section.

1 "Secretary" means the Secretary of the Department of  
2 Financial and Professional Regulation, or a person authorized  
3 by the Secretary to act in the Secretary's stead.

4 "Sponsoring broker" means the broker who has issued a  
5 sponsor card to a licensed salesperson, another licensed  
6 broker, or a leasing agent.

7 "Sponsor card" means the temporary permit issued by the  
8 sponsoring real estate broker certifying that the real estate  
9 broker, real estate salesperson, or leasing agent named thereon  
10 is employed by or associated by written agreement with the  
11 sponsoring real estate broker, as provided for in Section 5-40  
12 of this Act.

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

14 (225 ILCS 454/5-27)

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

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

17 (a) Every applicant for licensure as a broker must meet the  
18 following qualifications:

19 (1) Be at least 21 years of age. After April 30, 2011,  
20 the minimum age of 21 years shall be waived for any person  
21 seeking a license as a broker who has attained the age of  
22 18 and can provide evidence of the successful completion of  
23 at least 4 semesters of post-secondary school study as a  
24 full-time student or the equivalent, with major emphasis on  
25 real estate courses, in a school approved by the

1 Department;

2 (2) Be of good moral character;

3 (3) Successfully complete a 4-year course of study in a  
4 high school or secondary school approved by the Illinois  
5 State Board of Education or an equivalent course of study  
6 as determined by an examination conducted by the Illinois  
7 State Board of Education which shall be verified under oath  
8 by the applicant;

9 (4) Prior to May 1, 2011, provide (i) satisfactory  
10 evidence of having completed at least 120 classroom hours,  
11 45 of which shall be those hours required to obtain a  
12 salesperson's license plus 15 hours in brokerage  
13 administration courses, in real estate courses approved by  
14 the Advisory Council or (ii) for applicants who currently  
15 hold a valid real estate salesperson's license, give  
16 satisfactory evidence of having completed at least 75 hours  
17 in real estate courses, not including the courses that are  
18 required to obtain a salesperson's license, approved by the  
19 Advisory Council;

20 (5) After April 30, 2011, provide satisfactory  
21 evidence of having completed 90 hours of instruction in  
22 real estate courses approved by the Advisory Council, 15  
23 hours of which must consist of situational and case studies  
24 presented in the classroom or by other interactive delivery  
25 method presenting instruction and real time discussion  
26 between the instructor and the students;

1           (6) Personally take and pass a written examination  
2 authorized by the Department;

3           (7) Present a valid application for issuance of a  
4 license accompanied by a sponsor card and the fees  
5 specified by rule.

6           (b) The requirements specified in items (4) and (5) of  
7 subsection (a) of this Section do not apply to applicants who  
8 are currently admitted to practice law by the Supreme Court of  
9 Illinois and are currently in active standing.

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

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

17          (e) An individual holding an active license as a managing  
18 broker may return the license to the Department along with a  
19 form provided by the Department and shall be issued a broker's  
20 license in exchange. Any individual obtaining a broker's  
21 license under this subsection (e) shall be considered as having  
22 obtained a broker's license by education and passing the  
23 required test and shall be treated as such in determining  
24 compliance with this Act.

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

1 (225 ILCS 454/5-28)

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

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

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

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

7 (2) be of good moral character;

8 (3) have been licensed at least 2 out of the preceding  
9 3 years as a real estate broker or salesperson;

10 (4) successfully complete a 4-year course of study in  
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  
15 oath by the applicant;

16 (5) provide satisfactory evidence of having completed  
17 at least 165 hours, 120 of which shall be those hours  
18 required pre and post-licensure to obtain a broker's  
19 license, and 45 additional hours completed within the year  
20 immediately preceding the filing of an application for a  
21 managing broker's license, which hours shall focus on  
22 brokerage administration and management and include at  
23 least 15 hours in the classroom or by other interactive  
24 delivery method ~~presenting instructional and real time~~  
25 ~~discussion~~ between the instructor and the students;

26 (6) personally take and pass a written examination

1 authorized by the Department; and

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

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

9 (c) No applicant shall act as a managing broker for more  
10 than 90 days after an appointment as a managing broker has been  
11 filed with the Department without obtaining a managing broker's  
12 license.

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

14 (225 ILCS 454/5-50)

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

16 Sec. 5-50. Expiration and renewal of managing broker,  
17 broker, salesperson, or leasing agent license; sponsoring  
18 broker; register of licensees; pocket card.

19 (a) The expiration date and renewal period for each license  
20 issued under this Act shall be set by rule, except that the  
21 first renewal period ending after the effective date of this  
22 Act for those licensed as a salesperson shall be extended  
23 through April 30, 2012. Except as otherwise provided in this  
24 Section, the holder of a license may renew the license within  
25 90 days preceding the expiration date thereof by completing the



1 continuing education required by this Act and paying the fees  
2 specified by rule.

3 (b) An individual whose first license is that of a broker  
4 received after April 30, 2011, must provide evidence of having  
5 completed 30 hours of post-license education in courses  
6 approved by the Advisory Council, 15 hours of which must  
7 consist of situational and case studies presented in the  
8 classroom or by other interactive delivery method ~~presenting~~  
9 ~~instruction and real time discussion~~ between the instructor and  
10 the students, and personally take and pass an examination  
11 approved by the Department prior to the first renewal of their  
12 broker's license.

13 (c) Any salesperson until April 30, 2011 or any managing  
14 broker, broker, or leasing agent whose license under this Act  
15 has expired shall be eligible to renew the license during the  
16 2-year period following the expiration date, provided the  
17 managing broker, broker, salesperson, or leasing agent pays the  
18 fees as prescribed by rule and completes continuing education  
19 and other requirements provided for by the Act or by rule.  
20 Beginning on May 1, 2012, a managing broker licensee, broker,  
21 or leasing agent whose license has been expired for more than 2  
22 years but less than 5 years may have it restored by (i)  
23 applying to the Department, (ii) paying the required fee, (iii)  
24 completing the continuing education requirements for the most  
25 recent pre-renewal period that ended prior to the date of the  
26 application for reinstatement, and (iv) filing acceptable

1 proof of fitness to have his or her license restored, as set by  
2 rule. A managing broker, broker, or leasing agent whose license  
3 has been expired for more than 5 years shall be required to  
4 meet the requirements for a new license.

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

19 (e) The Department shall establish and maintain a register  
20 of all persons currently licensed by the State and shall issue  
21 and prescribe a form of pocket card. Upon payment by a licensee  
22 of the appropriate fee as prescribed by rule for engagement in  
23 the activity for which the licensee is qualified and holds a  
24 license for the current period, the Department shall issue a  
25 pocket card to the licensee. The pocket card shall be  
26 verification that the required fee for the current period has

1     been paid and shall indicate that the person named thereon is  
2     licensed for the current renewal period as a managing broker,  
3     broker, salesperson, or leasing agent as the case may be. The  
4     pocket card shall further indicate that the person named  
5     thereon is authorized by the Department to engage in the  
6     licensed activity appropriate for his or her status (managing  
7     broker, broker, salesperson, or leasing agent). Each licensee  
8     shall carry on his or her person his or her pocket card or, if  
9     such pocket card has not yet been issued, a properly issued  
10    sponsor card when engaging in any licensed activity and shall  
11    display the same on demand.

12         (f) The Department shall provide to the sponsoring broker a  
13    notice of renewal for all sponsored licensees by mailing the  
14    notice to the sponsoring broker's address of record, or, at the  
15    Department's discretion, by an electronic means as provided for  
16    by rule.

17         (g) Upon request from the sponsoring broker, the Department  
18    shall make available to the sponsoring broker, either by mail  
19    or by an electronic means at the discretion of the Department,  
20    a listing of licensees under this Act who, according to the  
21    records of the Department, are sponsored by that broker. Every  
22    licensee associated with or employed by a broker whose license  
23    is revoked, suspended, terminated, or expired shall be  
24    considered as inoperative until such time as the sponsoring  
25    broker's license is reinstated or renewed, or the licensee  
26    changes employment as set forth in subsection (c) of Section

1 5-40 of this Act.

2 (Source: P.A. 96-856, eff. 12-31-09; 96-989, eff. 1-1-11.)

3 (225 ILCS 454/5-70)

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

5 Sec. 5-70. Continuing education requirement; managing  
6 broker, broker, or salesperson.

7 (a) The requirements of this Section apply to all managing  
8 brokers, brokers, and salespersons.

9 (b) Except as otherwise provided in this Section, each  
10 person who applies for renewal of his or her license as a  
11 managing broker, real estate broker, or real estate salesperson  
12 must successfully complete 6 hours of real estate continuing  
13 education courses approved by the Advisory Council for each  
14 year of the pre-renewal period. Broker licensees must  
15 successfully complete a 6-hour broker management continuing  
16 education course approved by the Department for the pre-renewal  
17 period ending April 30, 2010. In addition, beginning with the  
18 pre-renewal period for managing broker licensees that begins  
19 after the effective date of this Act, those licensees renewing  
20 or obtaining a managing broker's license must successfully  
21 complete a 12-hour broker management continuing education  
22 course approved by the Department each pre-renewal period. The  
23 broker management continuing education course must be  
24 completed in the classroom or by other interactive delivery  
25 method ~~presenting instruction and real time discussion~~ between

1 the instructor and the students. Successful completion of the  
2 course shall include achieving a passing score as provided by  
3 rule on a test developed and administered in accordance with  
4 rules adopted by the Department. No license may be renewed  
5 except upon the successful completion of the required courses  
6 or their equivalent or upon a waiver of those requirements for  
7 good cause shown as determined by the Secretary with the  
8 recommendation of the Advisory Council. The requirements of  
9 this Article are applicable to all managing brokers, brokers,  
10 and salespersons except those brokers and salespersons who,  
11 during the pre-renewal period:

12 (1) serve in the armed services of the United States;

13 (2) serve as an elected State or federal official;

14 (3) serve as a full-time employee of the Department; or

15 (4) are admitted to practice law pursuant to Illinois

16 Supreme Court rule.

17 (c) A person licensed as a salesperson as of April 30, 2011  
18 shall not be required to complete the 18 hours of continuing  
19 education for the pre-renewal period ending April 30, 2012 if  
20 that person takes the 30-hour post-licensing course to obtain a  
21 broker's license. A person licensed as a broker as of April 30,  
22 2011 shall not be required to complete the 12 hours of broker  
23 management continuing education for the pre-renewal period  
24 ending April 30, 2012, unless that person passes the  
25 proficiency exam provided for in Section 5-47 of this Act to  
26 qualify for a managing broker's license.

1           (d) A person receiving an initial license during the 90  
2 days before the renewal date shall not be required to complete  
3 the continuing education courses provided for in subsection (b)  
4 of this Section as a condition of initial license renewal.

5           (e) The continuing education requirement for salespersons,  
6 brokers and managing brokers shall consist of a core curriculum  
7 and an elective curriculum, to be established by the Advisory  
8 Council. In meeting the continuing education requirements of  
9 this Act, at least 3 hours per year or their equivalent, 6  
10 hours for each two-year pre-renewal period, shall be required  
11 to be completed in the core curriculum. In establishing the  
12 core curriculum, the Advisory Council shall consider subjects  
13 that will educate licensees on recent changes in applicable  
14 laws and new laws and refresh the licensee on areas of the  
15 license law and the Department policy that the Advisory Council  
16 deems appropriate, and any other areas that the Advisory  
17 Council deems timely and applicable in order to prevent  
18 violations of this Act and to protect the public. In  
19 establishing the elective curriculum, the Advisory Council  
20 shall consider subjects that cover the various aspects of the  
21 practice of real estate that are covered under the scope of  
22 this Act. However, the elective curriculum shall not include  
23 any offerings referred to in Section 5-85 of this Act.

24           (f) The subject areas of continuing education courses  
25 approved by the Advisory Council may include without limitation  
26 the following:

- 1 (1) license law and escrow;
- 2 (2) antitrust;
- 3 (3) fair housing;
- 4 (4) agency;
- 5 (5) appraisal;
- 6 (6) property management;
- 7 (7) residential brokerage;
- 8 (8) farm property management;
- 9 (9) rights and duties of sellers, buyers, and brokers;
- 10 (10) commercial brokerage and leasing; and
- 11 (11) real estate financing.

12 (g) In lieu of credit for those courses listed in  
13 subsection (f) of this Section, credit may be earned for  
14 serving as a licensed instructor in an approved course of  
15 continuing education. The amount of credit earned for teaching  
16 a course shall be the amount of continuing education credit for  
17 which the course is approved for licensees taking the course.

18 (h) Credit hours may be earned for self-study programs  
19 approved by the Advisory Council.

20 (i) A broker or salesperson may earn credit for a specific  
21 continuing education course only once during the prerenewal  
22 period.

23 (j) No more than 6 hours of continuing education credit may  
24 be taken or earned in one calendar day.

25 (k) To promote the offering of a uniform and consistent  
26 course content, the Department may provide for the development

1 of a single broker management course to be offered by all  
2 continuing education providers who choose to offer the broker  
3 management continuing education course. The Department may  
4 contract for the development of the 12-hour broker management  
5 continuing education course with an outside vendor or  
6 consultant and, if the course is developed in this manner, the  
7 Department or the outside consultant shall license the use of  
8 that course to all approved continuing education providers who  
9 wish to provide the course.

10 (1) Except as specifically provided in this Act, continuing  
11 education credit hours may not be earned for completion of pre  
12 or post-license courses. The approved 30-hour post-license  
13 course for broker licensees shall satisfy the continuing  
14 education requirement for the pre-renewal period in which the  
15 course is taken. The approved 45-hour brokerage administration  
16 and management course shall satisfy the 12-hour broker  
17 management continuing education requirement for the  
18 pre-renewal period in which the course is taken.

19 (Source: P.A. 96-856, eff. 12-31-09; 97-1002, eff. 8-17-12.)

20 (225 ILCS 454/10-25)

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

22 Sec. 10-25. Expiration of brokerage agreement. No licensee  
23 shall obtain any written brokerage agreement that does not  
24 either provide for automatic expiration within a definite  
25 period of time or provide the client with a right to terminate



1 the agreement annually by giving no more than 30 days' prior  
2 written notice. ~~No notice of termination at the final~~  
3 ~~expiration thereof shall be required.~~ Any written brokerage  
4 agreement not containing such a provision ~~for automatic~~  
5 ~~expiration~~ shall be void. When the license of any sponsoring  
6 broker is suspended or revoked, any brokerage agreement with  
7 the sponsoring broker shall be deemed to expire upon the  
8 effective date of the suspension or revocation.

9 (Source: P.A. 91-245, eff. 12-31-99.)

10 Section 99. Effective date. This Act takes effect upon  
11 becoming law."