

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB3452**

Introduced 2/18/2025, by Rep. Lilian Jiménez

SYNOPSIS AS INTRODUCED:

225 ILCS 454/15-15

Amends the Real Estate License Act of 2000. In provisions concerning duties of licensees representing clients, adds a requirement that a licensee representing a seller or landlord shall perform certain actions. Provides that within one calendar day of the start date of any brokerage agreements authorizing the licensee to sell or lease the client's property, the licensee shall publicly advertise or market the listed property for sale or lease on a platform or website accessible to the general public and any real estate licensees representing prospective buyers or tenants unless the seller or landlord is completes and signs a disclosure and opt-out form prescribed by the Department of Financial and Professional Regulation that includes an express request to withhold the property from advertising and marketing and certain acknowledgments.

LRB104 09695 AAS 19761 b

1 AN ACT concerning regulation.

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

4 Section 5. The Real Estate License Act of 2000 is amended
5 by changing Section 15-15 as follows:

6 (225 ILCS 454/15-15)

7 (Section scheduled to be repealed on January 1, 2030)

8 Sec. 15-15. Duties of licensees representing clients.

9 (a) A licensee representing a client shall:

10 (1) Perform the terms of the brokerage agreement
11 between a broker and the client.

12 (2) Promote the best interest of the client by:

13 (A) Seeking a transaction at the price and terms
14 stated in the brokerage agreement or at a price and
15 terms otherwise acceptable to the client.

16 (B) Timely presenting all offers to and from the
17 client, unless the client has waived this duty.

18 (C) Disclosing to the client material facts
19 concerning the transaction of which the licensee has
20 actual knowledge, unless that information is
21 confidential information. Material facts do not
22 include the following when located on or related to
23 real estate that is not the subject of the

1 transaction: (i) physical conditions that do not have
2 a substantial adverse effect on the value of the real
3 estate, (ii) fact situations, or (iii) occurrences and
4 acts at the property.

5 (D) Timely accounting for all money and property
6 received in which the client has, may have, or should
7 have had an interest.

8 (E) Obeying specific directions of the client that
9 are not otherwise contrary to applicable statutes,
10 ordinances, or rules.

11 (F) Acting in a manner consistent with promoting
12 the client's best interests as opposed to a licensee's
13 or any other person's self-interest.

14 (G) A licensee representing a seller or landlord
15 shall:

16 (i) Share information on the property with any
17 licensees representing prospective buyers or
18 tenants.

19 (ii) Respond to inquiries from any licensees
20 representing prospective buyers or tenants.

21 (iii) Make the property available for showing
22 to prospective buyers or tenants.

23 (iv) Within one calendar day of the start date
24 of any brokerage agreements authorizing the
25 licensee to sell or lease the client's property,
26 publicly advertise or market the listed property

1 for sale or lease on a platform or website
2 accessible to the general public and any real
3 estate licensees representing prospective buyers
4 or tenants unless the seller or landlord is
5 completes and signs a disclosure and opt-out form
6 prescribed by the Department that includes, but is
7 not limited to:

8 (aa) An express request in writing that
9 the seller's or landlord's agent withhold the
10 listed property from all public marketing or
11 advertising and an outline of the specific
12 reasons for the request; and

13 (bb) An acknowledgment that (i) real
14 estate licensees representing prospective
15 buyers or tenants may not be aware that the
16 seller's or landlord's property is available
17 for sale or lease; (ii) the client's property
18 will not be displayed on internet platforms or
19 websites that are used by the general public
20 to search for property listings; (iii) real
21 estate licensees and prospective buyers or
22 tenants may not be aware of the terms and
23 conditions under which the seller or landlord
24 is offering the property for sale or lease;
25 and (iv) the reduction in exposure of the
26 listed property may reduce the number of

1 offers to purchase or lease the listed
2 property and negatively impact the seller's or
3 landlord's ability to sell or lease the listed
4 property at terms favorable to the seller or
5 landlord.

6 (3) Exercise reasonable skill and care in the
7 performance of brokerage services.

8 (4) Keep confidential all confidential information
9 received from the client.

10 (5) Comply with all requirements of this Act and all
11 applicable statutes and regulations, including without
12 limitation fair housing and civil rights statutes.

13 (b) A licensee representing a client does not breach a
14 duty or obligation to the client by showing alternative
15 properties to prospective buyers or tenants, by showing
16 properties in which the client is interested to other
17 prospective buyers or tenants, or by making or preparing
18 contemporaneous offers or contracts to purchase or lease the
19 same property. However, a licensee shall provide written
20 disclosure to all clients for whom the licensee is preparing
21 or making contemporaneous offers or contracts to purchase or
22 lease the same property and shall refer to another designated
23 agent any client that requests such referral.

24 (c) A licensee representing a buyer or tenant client will
25 not be presumed to have breached a duty or obligation to that
26 client by working on the basis that the licensee will receive a

1 higher fee or compensation based on higher selling price or
2 lease cost.

3 (d) A licensee shall not be liable to a client for
4 providing false information to the client if the false
5 information was provided to the licensee by a customer unless
6 the licensee knew or should have known the information was
7 false.

8 (e) Nothing in the Section shall be construed as changing
9 a licensee's duty under common law as to negligent or
10 fraudulent misrepresentation of material information.

11 (Source: P.A. 101-357, eff. 8-9-19.)