

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****SB3498**

Introduced 2/5/2026, by Sen. Suzy Glowiak Hilton

SYNOPSIS AS INTRODUCED:

See Index

Amends the Auction License Act. Changes the name of the Act to the Auction and Estate Sale License Act. Provides that "estate sale" means the sale of personal property for a principal that is conducted on premises or online, where items are offered to the public at posted, fixed prices (rather than a sale for liquidation of personal property of an estate owned by one or more individuals, families, or legal representatives of the estate that is advertised and scheduled for a predetermined amount of time and to which the public is invited to participate in a negotiation or bid for the purchase of the personal property). Provides that every person who desires to obtain an estate sale license under the Act shall perform certain actions. Provides that any corporation, limited liability company, or partnership who desires to obtain an estate sale license shall, in addition to other requirements, perform certain actions. Provides that the Department of Financial and Professional Regulation shall not require applicants to report certain information and shall not consider certain criminal history records in connection with an application for licensure. Provides that an applicant or licensee shall report to the Department, in a manner prescribed by the Department, within 30 days after the occurrence if, during the term of licensure, certain judicial or administrative actions occur against the applicant or licensee. Provides that persons, corporations, limited liability companies, or partnerships who conduct estate sales on and after the effective date of the amendatory Act must apply for an estate sale license no later than 12 months after the effective date of the amendatory Act. Requires the Department to waive the written examination for applicants under the Act who demonstrate active operation for 24 months before June 1, 2026. Provides that estate sale licensees shall not conduct competitive bidding. Provides that, if an estate sale licensee intends to auction specific high-value items, the licensee shall co-sign those items to a licensed auctioneer. Makes other changes. Amends the Regulatory Sunset Act, the Retailers' Occupation Tax Act, the Township Code, the Real Estate License Act of 2000, the Firearm Dealer License Certification Act, the Unified Code of Corrections, and the Ticket Sale and Resale Act to make conforming changes.

LRB104 18513 AAS 31955 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 Regulatory Sunset Act is amended by
5 changing Section 4.40 as follows:

6 (5 ILCS 80/4.40)

7 Sec. 4.40. Acts repealed on January 1, 2030. The following
8 Acts are repealed on January 1, 2030:

9 The Auction and Estate Sale License Act.

10 The Genetic Counselor Licensing Act.

11 The Illinois Architecture Practice Act of 1989.

12 The Illinois Certified Shorthand Reporters Act of 1984.

13 The Illinois Professional Land Surveyor Act of 1989.

14 The Orthotics, Prosthetics, and Pedorthics Practice Act.

15 The Perfusionist Practice Act.

16 The Professional Engineering Practice Act of 1989.

17 The Real Estate License Act of 2000.

18 The Structural Engineering Practice Act of 1989.

19 (Source: P.A. 103-763, eff. 1-1-25; 103-816, eff. 8-9-24;
20 104-417, eff. 8-15-25.)

21 Section 10. The Retailers' Occupation Tax Act is amended
22 by changing Section 1 as follows:

1 (35 ILCS 120/1)

2 Sec. 1. Definitions. As used in this Act:

3 "Sale at retail" means any transfer of the ownership of,
4 the title to, the possession or control of, the right to
5 possess or control, or a license to use tangible personal
6 property to a purchaser, for the purpose of use or
7 consumption, and not for the purpose of resale in any form as
8 tangible personal property to the extent not first subjected
9 to a use for which it was purchased, for a valuable
10 consideration: Provided that the property purchased is deemed
11 to be purchased for the purpose of resale, despite first being
12 used, to the extent to which it is resold as an ingredient of
13 an intentionally produced product or byproduct of
14 manufacturing. For this purpose, slag produced as an incident
15 to manufacturing pig iron or steel and sold is considered to be
16 an intentionally produced byproduct of manufacturing.
17 Transactions whereby the possession of the property is
18 transferred but the seller retains the title as security for
19 payment of the selling price shall be deemed to be sales.

20 "Sale at retail" shall be construed to include any
21 transfer of the ownership of, the title to, the possession or
22 control of, the right to possess or control, or a license to
23 use tangible personal property to a purchaser, for use or
24 consumption by any other person to whom such purchaser may
25 transfer the tangible personal property without a valuable

1 consideration, and to include any transfer, whether made for
2 or without a valuable consideration, for resale in any form as
3 tangible personal property unless made in compliance with
4 Section 2c of this Act.

5 Sales of tangible personal property, which property, to
6 the extent not first subjected to a use for which it was
7 purchased, as an ingredient or constituent, goes into and
8 forms a part of tangible personal property subsequently the
9 subject of a "Sale at retail", are not sales at retail as
10 defined in this Act: Provided that the property purchased is
11 deemed to be purchased for the purpose of resale, despite
12 first being used, to the extent to which it is resold as an
13 ingredient of an intentionally produced product or byproduct
14 of manufacturing.

15 "Sale at retail" shall be construed to include any
16 Illinois florist's sales transaction in which the purchase
17 order is received in Illinois by a florist and the sale is for
18 use or consumption, but the Illinois florist has a florist in
19 another state deliver the property to the purchaser or the
20 purchaser's donee in such other state.

21 Nonreusable tangible personal property that is used by
22 persons engaged in the business of operating a restaurant,
23 cafeteria, or drive-in is a sale for resale when it is
24 transferred to customers in the ordinary course of business as
25 part of the sale of food or beverages and is used to deliver,
26 package, or consume food or beverages, regardless of where

1 consumption of the food or beverages occurs. Examples of those
2 items include, but are not limited to nonreusable, paper and
3 plastic cups, plates, baskets, boxes, sleeves, buckets or
4 other containers, utensils, straws, placemats, napkins, doggie
5 bags, and wrapping or packaging materials that are transferred
6 to customers as part of the sale of food or beverages in the
7 ordinary course of business.

8 The purchase, employment and transfer of such tangible
9 personal property as newsprint and ink for the primary purpose
10 of conveying news (with or without other information) is not a
11 purchase, use or sale of tangible personal property.

12 A person whose activities are organized and conducted
13 primarily as a not-for-profit service enterprise, and who
14 engages in selling tangible personal property at retail
15 (whether to the public or merely to members and their guests)
16 is engaged in the business of selling tangible personal
17 property at retail with respect to such transactions,
18 excepting only a person organized and operated exclusively for
19 charitable, religious or educational purposes either (1), to
20 the extent of sales by such person to its members, students,
21 patients or inmates of tangible personal property to be used
22 primarily for the purposes of such person, or (2), to the
23 extent of sales by such person of tangible personal property
24 which is not sold or offered for sale by persons organized for
25 profit. The selling of school books and school supplies by
26 schools at retail to students is not "primarily for the

1 purposes of" the school which does such selling. The
2 provisions of this paragraph shall not apply to nor subject to
3 taxation occasional dinners, socials or similar activities of
4 a person organized and operated exclusively for charitable,
5 religious or educational purposes, whether or not such
6 activities are open to the public.

7 A person who is the recipient of a grant or contract under
8 Title VII of the Older Americans Act of 1965 (P.L. 92-258) and
9 serves meals to participants in the federal Nutrition Program
10 for the Elderly in return for contributions established in
11 amount by the individual participant pursuant to a schedule of
12 suggested fees as provided for in the federal Act is not
13 engaged in the business of selling tangible personal property
14 at retail with respect to such transactions.

15 "Lease" means a transfer of the possession or control of,
16 the right to possess or control, or a license to use, but not
17 title to, tangible personal property for a fixed or
18 indeterminate term for consideration, regardless of the name
19 by which the transaction is called. "Lease" does not include a
20 lease entered into merely as a security agreement that does
21 not involve a transfer of possession or control from the
22 lessor to the lessee.

23 On and after January 1, 2025, the term "sale", when used in
24 this Act, includes a lease.

25 "Purchaser" means anyone who, through a sale at retail,
26 acquires the ownership of, the title to, the possession or

1 control of, the right to possess or control, or a license to
2 use tangible personal property for a valuable consideration.

3 "Reseller of motor fuel" means any person engaged in the
4 business of selling or delivering or transferring title of
5 motor fuel to another person other than for use or
6 consumption. No person shall act as a reseller of motor fuel
7 within this State without first being registered as a reseller
8 pursuant to Section 2c or a retailer pursuant to Section 2a.

9 "Selling price" or the "amount of sale" means the
10 consideration for a sale valued in money whether received in
11 money or otherwise, including cash, credits, property, other
12 than as hereinafter provided, and services, but, prior to
13 January 1, 2020 and beginning again on January 1, 2022, not
14 including the value of or credit given for traded-in tangible
15 personal property where the item that is traded-in is of like
16 kind and character as that which is being sold; beginning
17 January 1, 2020 and until January 1, 2022, "selling price"
18 includes the portion of the value of or credit given for
19 traded-in motor vehicles of the First Division as defined in
20 Section 1-146 of the Illinois Vehicle Code of like kind and
21 character as that which is being sold that exceeds \$10,000.
22 "Selling price" shall be determined without any deduction on
23 account of the cost of the property sold, the cost of materials
24 used, labor or service cost or any other expense whatsoever,
25 but does not include charges that are added to prices by
26 sellers on account of the seller's tax liability under this

1 Act, or on account of the seller's duty to collect, from the
2 purchaser, the tax that is imposed by the Use Tax Act, or,
3 except as otherwise provided with respect to any cigarette tax
4 imposed by a home rule unit, on account of the seller's tax
5 liability under any local occupation tax administered by the
6 Department, or, except as otherwise provided with respect to
7 any cigarette tax imposed by a home rule unit on account of the
8 seller's duty to collect, from the purchasers, the tax that is
9 imposed under any local use tax administered by the
10 Department. Effective December 1, 1985, "selling price" shall
11 include charges that are added to prices by sellers on account
12 of the seller's tax liability under the Cigarette Tax Act, on
13 account of the sellers' duty to collect, from the purchaser,
14 the tax imposed under the Cigarette Use Tax Act, and on account
15 of the seller's duty to collect, from the purchaser, any
16 cigarette tax imposed by a home rule unit.

17 The provisions of this paragraph, which provides only for
18 an alternative meaning of "selling price" with respect to the
19 sale of certain motor vehicles incident to the contemporaneous
20 lease of those motor vehicles, continue in effect and are not
21 changed by the tax on leases implemented by Public Act
22 103-592. Notwithstanding any law to the contrary, for any
23 motor vehicle, as defined in Section 1-146 of the Illinois
24 Vehicle Code, that is sold on or after January 1, 2015 for the
25 purpose of leasing the vehicle for a defined period that is
26 longer than one year and (1) is a motor vehicle of the second

1 division that: (A) is a self-contained motor vehicle designed
2 or permanently converted to provide living quarters for
3 recreational, camping, or travel use, with direct walk through
4 access to the living quarters from the driver's seat; (B) is of
5 the van configuration designed for the transportation of not
6 less than 7 nor more than 16 passengers; or (C) has a gross
7 vehicle weight rating of 8,000 pounds or less or (2) is a motor
8 vehicle of the first division, "selling price" or "amount of
9 sale" means the consideration received by the lessor pursuant
10 to the lease contract, including amounts due at lease signing
11 and all monthly or other regular payments charged over the
12 term of the lease. Also included in the selling price is any
13 amount received by the lessor from the lessee for the leased
14 vehicle that is not calculated at the time the lease is
15 executed, including, but not limited to, excess mileage
16 charges and charges for excess wear and tear. For sales that
17 occur in Illinois, with respect to any amount received by the
18 lessor from the lessee for the leased vehicle that is not
19 calculated at the time the lease is executed, the lessor who
20 purchased the motor vehicle does not incur the tax imposed by
21 the Use Tax Act on those amounts, and the retailer who makes
22 the retail sale of the motor vehicle to the lessor is not
23 required to collect the tax imposed by the Use Tax Act or to
24 pay the tax imposed by this Act on those amounts. However, the
25 lessor who purchased the motor vehicle assumes the liability
26 for reporting and paying the tax on those amounts directly to

1 the Department in the same form (Illinois Retailers'
2 Occupation Tax, and local retailers' occupation taxes, if
3 applicable) in which the retailer would have reported and paid
4 such tax if the retailer had accounted for the tax to the
5 Department. For amounts received by the lessor from the lessee
6 that are not calculated at the time the lease is executed, the
7 lessor must file the return and pay the tax to the Department
8 by the due date otherwise required by this Act for returns
9 other than transaction returns. If the retailer is entitled
10 under this Act to a discount for collecting and remitting the
11 tax imposed under this Act to the Department with respect to
12 the sale of the motor vehicle to the lessor, then the right to
13 the discount provided in this Act shall be transferred to the
14 lessor with respect to the tax paid by the lessor for any
15 amount received by the lessor from the lessee for the leased
16 vehicle that is not calculated at the time the lease is
17 executed; provided that the discount is only allowed if the
18 return is timely filed and for amounts timely paid. The
19 "selling price" of a motor vehicle that is sold on or after
20 January 1, 2015 for the purpose of leasing for a defined period
21 of longer than one year shall not be reduced by the value of or
22 credit given for traded-in tangible personal property owned by
23 the lessor, nor shall it be reduced by the value of or credit
24 given for traded-in tangible personal property owned by the
25 lessee, regardless of whether the trade-in value thereof is
26 assigned by the lessee to the lessor. In the case of a motor

1 vehicle that is sold for the purpose of leasing for a defined
2 period of longer than one year, the sale occurs at the time of
3 the delivery of the vehicle, regardless of the due date of any
4 lease payments. A lessor who incurs a Retailers' Occupation
5 Tax liability on the sale of a motor vehicle coming off lease
6 may not take a credit against that liability for the Use Tax
7 the lessor paid upon the purchase of the motor vehicle (or for
8 any tax the lessor paid with respect to any amount received by
9 the lessor from the lessee for the leased vehicle that was not
10 calculated at the time the lease was executed) if the selling
11 price of the motor vehicle at the time of purchase was
12 calculated using the definition of "selling price" as defined
13 in this paragraph. Notwithstanding any other provision of this
14 Act to the contrary, lessors shall file all returns and make
15 all payments required under this paragraph to the Department
16 by electronic means in the manner and form as required by the
17 Department. This paragraph does not apply to leases of motor
18 vehicles for which, at the time the lease is entered into, the
19 term of the lease is not a defined period, including leases
20 with a defined initial period with the option to continue the
21 lease on a month-to-month or other basis beyond the initial
22 defined period.

23 The phrase "like kind and character" shall be liberally
24 construed (including but not limited to any form of motor
25 vehicle for any form of motor vehicle, or any kind of farm or
26 agricultural implement for any other kind of farm or

1 agricultural implement), while not including a kind of item
2 which, if sold at retail by that retailer, would be exempt from
3 retailers' occupation tax and use tax as an isolated or
4 occasional sale.

5 "Gross receipts" from the sales of tangible personal
6 property at retail means the total selling price or the amount
7 of such sales, as hereinbefore defined. In the case of charge
8 and time sales, the amount thereof shall be included only as
9 and when payments are received by the seller. In the case of
10 leases, except as otherwise provided in this Act, the amount
11 thereof shall be included only as and when gross receipts are
12 received by the lessor. Receipts or other consideration
13 derived by a seller from the sale, transfer or assignment of
14 accounts receivable to a wholly owned subsidiary will not be
15 deemed payments prior to the time the purchaser makes payment
16 on such accounts.

17 "Department" means the Department of Revenue.

18 "Person" means any natural individual, firm, partnership,
19 association, joint stock company, joint adventure, public or
20 private corporation, limited liability company, or a receiver,
21 executor, trustee, guardian or other representative appointed
22 by order of any court.

23 The isolated or occasional sale of tangible personal
24 property at retail by a person who does not hold himself out as
25 being engaged (or who does not habitually engage) in selling
26 such tangible personal property at retail, or a sale through a

1 bulk vending machine, does not constitute engaging in a
2 business of selling such tangible personal property at retail
3 within the meaning of this Act; provided that any person who is
4 engaged in a business which is not subject to the tax imposed
5 by this Act because of involving the sale of or a contract to
6 sell real estate or a construction contract to improve real
7 estate or a construction contract to engineer, install, and
8 maintain an integrated system of products, but who, in the
9 course of conducting such business, transfers tangible
10 personal property to users or consumers in the finished form
11 in which it was purchased, and which does not become real
12 estate or was not engineered and installed, under any
13 provision of a construction contract or real estate sale or
14 real estate sales agreement entered into with some other
15 person arising out of or because of such nontaxable business,
16 is engaged in the business of selling tangible personal
17 property at retail to the extent of the value of the tangible
18 personal property so transferred. If, in such a transaction, a
19 separate charge is made for the tangible personal property so
20 transferred, the value of such property, for the purpose of
21 this Act, shall be the amount so separately charged, but not
22 less than the cost of such property to the transferor; if no
23 separate charge is made, the value of such property, for the
24 purposes of this Act, is the cost to the transferor of such
25 tangible personal property. Construction contracts for the
26 improvement of real estate consisting of engineering,

1 installation, and maintenance of voice, data, video, security,
2 and all telecommunication systems do not constitute engaging
3 in a business of selling tangible personal property at retail
4 within the meaning of this Act if they are sold at one
5 specified contract price.

6 A person who holds himself or herself out as being engaged
7 (or who habitually engages) in selling tangible personal
8 property at retail is a person engaged in the business of
9 selling tangible personal property at retail hereunder with
10 respect to such sales (and not primarily in a service
11 occupation) notwithstanding the fact that such person designs
12 and produces such tangible personal property on special order
13 for the purchaser and in such a way as to render the property
14 of value only to such purchaser, if such tangible personal
15 property so produced on special order serves substantially the
16 same function as stock or standard items of tangible personal
17 property that are sold at retail.

18 Persons who engage in the business of transferring
19 tangible personal property upon the redemption of trading
20 stamps are engaged in the business of selling such property at
21 retail and shall be liable for and shall pay the tax imposed by
22 this Act on the basis of the retail value of the property
23 transferred upon redemption of such stamps.

24 "Bulk vending machine" means a vending machine, containing
25 unsorted confections, nuts, toys, or other items designed
26 primarily to be used or played with by children which, when a

1 coin or coins of a denomination not larger than \$0.50 are
2 inserted, are dispensed in equal portions, at random and
3 without selection by the customer.

4 "Remote retailer" means a retailer that does not maintain
5 within this State, directly or by a subsidiary, an office,
6 distribution house, sales house, warehouse or other place of
7 business, or any agent or other representative operating
8 within this State under the authority of the retailer or its
9 subsidiary, irrespective of whether such place of business or
10 agent is located here permanently or temporarily or whether
11 such retailer or subsidiary is licensed to do business in this
12 State.

13 "Retailer maintaining a place of business in this State"
14 has the meaning given to that term in Section 2 of the Use Tax
15 Act.

16 "Marketplace" means a physical or electronic place, forum,
17 platform, application, or other method by which a marketplace
18 seller sells or offers to sell items.

19 "Marketplace facilitator" means a person who, pursuant to
20 an agreement with an unrelated third-party marketplace seller,
21 directly or indirectly through one or more affiliates
22 facilitates a retail sale by an unrelated third-party
23 marketplace seller by:

24 (1) listing or advertising for sale by the marketplace
25 seller in a marketplace, tangible personal property that
26 is subject to tax under this Act; and

1 (2) either directly or indirectly, through agreements
2 or arrangements with third parties, collecting payment
3 from the customer and transmitting that payment to the
4 marketplace seller regardless of whether the marketplace
5 facilitator receives compensation or other consideration
6 in exchange for its services.

7 A person who provides advertising services, including
8 listing products for sale, is not considered a marketplace
9 facilitator, so long as the advertising service platform or
10 forum does not engage, directly or indirectly through one or
11 more affiliated persons, in the activities described in
12 paragraph (2) of this definition of "marketplace facilitator".

13 "Marketplace facilitator" does not include any person
14 licensed under the Auction and Estate Sale License Act. This
15 exemption does not apply to any person who is an Internet
16 auction listing service, as defined by the Auction and Estate
17 Sale License Act.

18 "Marketplace seller" means a person who makes sales
19 through a marketplace operated by an unrelated third-party
20 marketplace facilitator.

21 (Source: P.A. 103-592, eff. 1-1-25; 103-983, eff. 1-1-25;
22 104-417, eff. 8-15-25.)

23 Section 15. The Township Code is amended by changing
24 Section 30-50 as follows:

1 (60 ILCS 1/30-50)

2 Sec. 30-50. Purchase and use of property.

3 (a) The electors may make all orders for the purchase,
4 sale, conveyance, regulation, or use of the township's
5 corporate property (including the direct sale or lease of
6 single township road district property) that may be deemed
7 conducive to the interests of its inhabitants, including the
8 lease, for up to 10 years, or for up to 25 years if the lease
9 is for a wireless telecommunications tower, at fair market
10 value, of corporate property for which no use or need during
11 the lease period is anticipated at the time of leasing. The
12 electors may delegate the power to purchase, sell, or lease
13 property to the township board for a period of up to 12 months
14 and the township board may specify properties being
15 considered. The property may be leased to another governmental
16 body, however, or to a not-for-profit corporation that has
17 contracted to construct or fund the construction of a
18 structure or improvement upon the real estate owned by the
19 township and that has contracted with the township to allow
20 the township to use at least a portion of the structure or
21 improvement to be constructed upon the real estate leased and
22 not otherwise used by the township, for any term not exceeding
23 50 years and for any consideration. In the case of a
24 not-for-profit corporation, the township shall hold a public
25 hearing on the proposed lease. The township clerk shall give
26 notice of the hearing by publication in a newspaper published

1 in the township, or in a newspaper published in the county and
2 having general circulation in the township if no newspaper is
3 published in the township, and by posting notices in at least 5
4 public places at least 15 days before the public hearing.

5 (b) If a new tax is to be levied or an existing tax rate is
6 to be increased above the statutory limits for the purchase of
7 the property, however, no action otherwise authorized in
8 subsection (a) shall be taken unless a petition signed by at
9 least 10% of the registered voters residing in the township is
10 presented to the township clerk. If a petition is presented to
11 the township clerk, the clerk shall order a referendum on the
12 proposition. The referendum shall be held at the next annual
13 or special township meeting or at an election in accordance
14 with the general election law. If the referendum is ordered to
15 be held at the township meeting, the township clerk shall give
16 notice that at the next annual or special township meeting the
17 proposition shall be voted upon. The notice shall set forth
18 the proposition and shall be given by publication in a
19 newspaper published in the township. If there is no newspaper
20 published in the township, the notice shall be published in a
21 newspaper published in the county and having general
22 circulation in the township. Notice also shall be given by
23 posting notices in at least 5 public places at least 15 days
24 before the township meeting. If the referendum is ordered to
25 be held at an election, the township clerk shall certify that
26 proposition to the proper election officials, who shall submit

1 the proposition at an election. The proposition shall be
2 submitted in accordance with the general election law.

3 (c) If the leased property is utilized in part for private
4 use and in part for public use, those portions of the
5 improvements devoted to private use are fully taxable. The
6 land is exempt from taxation to the extent that the uses on the
7 land are public and taxable to the extent that the uses are
8 private.

9 (d) Before the township makes a lease or sale of township
10 or road district real property, the electors shall either
11 delegate the power to the township board to purchase, sell, or
12 lease properties for a period of up to 12 months as provided in
13 subsection (a) or adopt a resolution stating the intent to
14 lease or sell the real property, describing the property in
15 full, and stating the terms and conditions the electors deem
16 necessary and desirable for the lease or sale. A resolution
17 stating the intent to sell real property shall also contain
18 pertinent information concerning the size, use, and zoning of
19 the property. The value of real property shall be determined
20 by a State licensed real estate appraiser. The appraisal shall
21 be available for public inspection. The resolution may direct
22 the sale to be conducted by the staff of the township or by
23 listing with local licensed real estate agencies (in which
24 case the terms of the agent's compensation shall be included
25 in the resolution).

26 Anytime during the year, the township or township road

1 district may lease or sell personal property by a vote of the
2 township board or request of the township highway
3 commissioner.

4 The clerk shall thereafter publish the resolution or
5 personal property sale notice once in a newspaper published in
6 the township or, if no newspaper is published in the township,
7 in a newspaper generally circulated in the township. If no
8 newspaper is generally circulated in the township, the clerk
9 shall post the resolution or personal property sale notice in
10 5 of the most public places in the township. In addition to the
11 foregoing publication requirements, the clerk shall post the
12 resolution or personal property sale notice at the office of
13 the township (if township property is involved) or at the
14 office of the road district (if road district property is
15 involved). The following information shall be published or
16 posted with the resolution or personal property sale notice:
17 (i) the date by which all bids must be received by the township
18 or road district, which shall not be less than 30 days after
19 the date of publication or posting, and (ii) the place, time,
20 and date at which bids shall be opened, which shall be at a
21 regular meeting of the township board.

22 All bids shall be opened by the clerk (or someone duly
23 appointed to act for the clerk) at the regular meeting of the
24 township board described in the notice. With respect to
25 township personal property, the township board may accept the
26 high bid or any other bid determined to be in the best

1 interests of the township by a majority vote of the board. With
2 respect to township real property, the township board may
3 accept the high bid or any other bid determined to be in the
4 best interests of the township by a vote of three-fourths of
5 the township board then holding office, but in no event at a
6 price less than 80% of the appraised value. With respect to
7 road district property, the highway commissioner may accept
8 the high bid or any other bid determined to be in the best
9 interests of the road district. In each case, the township
10 board or commissioner may reject any and all bids. This notice
11 and competitive bidding procedure shall not be followed when
12 property is leased to another governmental body. The notice
13 and competitive bidding procedure shall not be followed when
14 real or personal property is declared surplus by the township
15 board or the highway commissioner and sold to another
16 governmental body.

17 The township board or the highway commissioner may
18 authorize the sale of personal property by public auction
19 conducted by an auctioneer licensed under the Auction and
20 Estate Sale License Act or through an approved Internet
21 auction service.

22 (e) A trade-in of machinery or equipment on new or
23 different machinery or equipment does not constitute the sale
24 of township or road district property.

25 (Source: P.A. 99-78, eff. 7-20-15; 100-839, eff. 1-1-19.)

1 Section 20. The Auction License Act is amended by changing
2 the title of the Act and Sections 5-1 and 5-10 and by adding
3 Sections 10-21 and 10-21.5 as follows:

4 (225 ILCS 407/Act title)

5 An Act concerning regulation ~~to create the Auction License~~
6 ~~Act, amending named Acts.~~

7 (225 ILCS 407/5-1)

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

9 Sec. 5-1. Short title. This Act may be cited as the Auction
10 and Estate Sale License Act.

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

12 (225 ILCS 407/5-10)

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

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

15 "Advertisement" means any written, oral, or electronic
16 communication that contains a promotion, inducement, or offer
17 to conduct an auction or offer to provide an auction service,
18 including but not limited to brochures, pamphlets, radio and
19 television scripts, telephone and direct mail solicitations,
20 electronic media, Internet online, and other means of
21 promotion.

22 "Advisory Board" or "Board" means the Auctioneer Advisory
23 Board.

1 "Auction" means the sale or lease of property, real or
2 personal, by means of exchanges between an auctioneer and
3 prospective purchasers or lessees, which consists of a series
4 of invitations or bids for offers made by the auctioneer to
5 prospective purchasers or lessees for the purpose of obtaining
6 an acceptable offer for the sale or lease of property via mail,
7 telecommunications, or the Internet online.

8 "Auction contract" means a written agreement between an
9 auctioneer or auction firm and a seller or sellers.

10 "Auction firm" means any corporation, partnership, or
11 limited liability company that acts as an auctioneer and
12 provides an auction service.

13 "Auction school" means any educational institution, public
14 or private, that offers a curriculum of auctioneer education
15 and training approved by the Department.

16 "Auction service" means the service of arranging,
17 managing, advertising, or conducting auctions.

18 "Auctioneer" means a person or entity who, for another,
19 for a fee, compensation, commission, or any other valuable
20 consideration at auction or with the intention or expectation
21 of receiving valuable consideration by the means of or process
22 of an auction or sale at auction or providing an auction
23 service, offers, negotiates, or attempts to negotiate an
24 auction contract, sale, purchase, or exchange of goods,
25 chattels, merchandise, personal property, real property, or
26 any commodity that may be lawfully kept or offered for sale by

1 or at auction.

2 "Address of record" means the designated address recorded
3 by the Department in the applicant's or licensee's application
4 file or license file maintained by the Department.

5 "Buyer premium" means any fee or compensation paid by the
6 successful purchaser of property sold or leased at or by
7 auction, to the auctioneer, auction firms, seller, lessor, or
8 other party to the transaction, other than the purchase price.

9 "Department" means the Department of Financial and
10 Professional Regulation.

11 "Division" means the Division of Real Estate within the
12 Department.

13 "Email address of record" means the designated email
14 address recorded by the Department in the applicant's
15 application file or the licensee's license file maintained by
16 the Department's licensure maintenance unit.

17 "Estate sale" means a sale of personal property for a
18 principal of an estate that is conducted on premises or online
19 where items are offered to the public at posted, fixed prices.

20 "Estate sale" includes sales where prices are negotiated or
21 discounted according to a schedule. "Estate sale" does not
22 include sales that use a competitive bidding method to
23 determine prices. ~~a sale for liquidation of personal property~~
24 ~~of an estate owned by one or more individuals, families, or~~
25 ~~legal representatives of the estate that is advertised and~~
26 ~~scheduled for a predetermined amount of time and to which the~~

1 ~~public is invited to participate in a negotiation or bid for~~
2 ~~the purchase of the personal property.~~

3 "Estate sale service" means the performance of an auction
4 service for the owners of personal property to be sold at an
5 estate sale, where an auctioneer undertakes the responsibility
6 of conducting the sale. "Estate sale service" does not include
7 the sale of real property.

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

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

16 "Internet auction listing service" means a website on the
17 Internet, or other interactive computer service, that is
18 designed to allow or advertise as a means of allowing users to
19 offer personal property or services for sale or lease to a
20 prospective buyer or lessee through an online bid submission
21 process using that website or interactive computer service and
22 that does not examine, set the price, prepare the description
23 of the personal property or service to be offered, or in any
24 way utilize the services of a natural person as an auctioneer.

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

26 "Managing auctioneer" means any person licensed as an

1 auctioneer who manages and supervises licensees.

2 "Online auction" means an auction or auction service
3 conducted by an auctioneer via a website on the Internet, an
4 application, an interactive computer service, or other similar
5 media.

6 "Person" means an individual, association, partnership,
7 corporation, or limited liability company or the officers,
8 directors, or employees of the same.

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

11 "Real estate" means real estate as defined in Section 1-10
12 of the Real Estate License Act of 2000 or its successor Acts.

13 "Secretary" means the Secretary of Financial and
14 Professional Regulation or his or her designee.

15 (Source: P.A. 104-145, eff. 1-1-26.)

16 (225 ILCS 407/10-21 new)

17 Sec. 10-21. Requirements for estate sale license;
18 application.

19 (a) Every person who desires to obtain an estate sale
20 license under this Act shall:

21 (1) apply to the Department on forms provided by the
22 Department accompanied by the required fee;

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

24 (3) have attained a high school diploma or
25 successfully completed an equivalent course of study

1 determined by an examination conducted by the Illinois
2 State Board of Education;

3 (4) pass a written examination authorized by the
4 Department to prove competence, including, but not limited
5 to, general knowledge of Illinois and federal laws
6 pertaining to personal property contracts, auctions, real
7 property, ethics, and other topics relating to the estate
8 sale business; and

9 (5) maintain a \$20,000 surety bond for the protection
10 of client proceeds and property.

11 (b) Any corporation, limited liability company, or
12 partnership who desires to obtain an estate sale license
13 shall, in addition to the requirements under subsection (a):

14 (1) comply with any requirement as defined by rule;
15 and

16 (2) maintain a \$20,000 surety bond for the protection
17 of client proceeds and property.

18 (c) The Department shall not require applicants to report
19 the following information and shall not consider the following
20 criminal history records in connection with an application for
21 licensure:

22 (1) juvenile adjudications of delinquent minors as
23 defined in Section 5-105 of the Juvenile Court Act of 1987
24 subject to the restrictions set forth in Section 5-130 of
25 that Act;

26 (2) law enforcement records, court records, and

1 conviction records of an individual who was 17 years old
2 at the time of the offense and before January 1, 2014,
3 unless the nature of the offense required the individual
4 to be tried as an adult;

5 (3) records of arrest not followed by a charge or
6 conviction;

7 (4) records of arrest where the charges were dismissed
8 unless related to the practice of the profession; however,
9 applicants shall not be asked to report any arrests, and
10 an arrest not followed by a conviction shall not be the
11 basis of denial and may be used only to assess an
12 applicant's rehabilitation;

13 (5) convictions overturned by a higher court; or

14 (6) convictions or arrests that have been sealed or
15 expunged.

16 (d) An applicant or licensee shall report to the
17 Department, in a manner prescribed by the Department, within
18 30 days after the occurrence if, during the term of licensure:
19 (i) the applicant or licensee obtains a conviction of, or plea
20 of guilty or nolo contendere to forgery, embezzlement,
21 obtaining money under false pretenses, larceny, extortion,
22 conspiracy to defraud, or any similar offense or offenses or
23 any conviction of a felony involving moral turpitude; or (ii)
24 the applicant or licensee receives an entry of an
25 administrative sanction by a government agency in this State
26 or any other jurisdiction that has as an essential element

1 dishonesty or fraud or involves larceny, embezzlement, or
2 obtaining money, property, or credit by false pretenses.

3 (e) Persons, corporations, limited liability companies, or
4 partnerships who conduct estate sales on and after the
5 effective date of this amendatory Act of the 104th General
6 Assembly must apply for an estate sale license no later than 12
7 months after the effective date of this amendatory Act of the
8 104th General Assembly.

9 The Department shall waive the written examination
10 requirement under this Section for applicants who demonstrate
11 active operation for 24 months before June 1, 2026.

12 (225 ILCS 407/10-21.5 new)

13 Sec. 10-21.5. Estate sale licensees; competitive bidding.
14 Estate sale licensees shall not conduct competitive bidding.
15 If an estate sale licensee intends to auction specific
16 high-value items, the licensee shall co-sign those items to a
17 licensed auctioneer.

18 Section 25. The Real Estate License Act of 2000 is amended
19 by changing Sections 5-32, 10-5, and 20-20 as follows:

20 (225 ILCS 454/5-32)

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

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

23 (a) An auctioneer licensed under the Auction and Estate

1 Sale License Act who does not possess a valid and active
2 broker's or managing broker's license under this Act, or who
3 is not otherwise exempt from licensure, may not engage in the
4 practice of auctioning real estate, except as provided in this
5 Section.

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

8 (1) possess a valid auctioneer's license under the
9 Auction and Estate Sale License Act;

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

17 (3) provide documentation of the completion of the
18 real estate auction course; and

19 (4) successfully complete any other reasonable
20 requirements as provided by rule.

21 (c) The auctioneer's role shall be limited to establishing
22 the time, place, and method of the real estate auction,
23 placing advertisements regarding the auction, and crying or
24 calling the auction; any other real estate brokerage
25 activities must be performed by a person holding a valid and
26 active broker's or managing broker's license under the

1 provisions of this Act or by a person who is exempt from
2 holding a license under paragraph (13) of Section 5-20 who has
3 a certificate under this Section.

4 (d) An auctioneer who conducts any real estate auction
5 activities in violation of this Section is guilty of
6 unlicensed practice under Section 20-10 of this Act.

7 (e) The Department may revoke, suspend, or otherwise
8 discipline the real estate auction certification of an
9 auctioneer who is adjudicated to be in violation of the
10 provisions of this Section or Section 20-15 of the Auction and
11 Estate Sale License Act.

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

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

24 (h) Nothing in this Section shall require a person
25 licensed under this Act as a broker or managing broker to
26 obtain a real estate auction certification in order to auction

1 real estate.

2 (i) The Department may adopt rules to implement this
3 Section.

4 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;
5 99-227, eff. 8-3-15.)

6 (225 ILCS 454/10-5)

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

8 Sec. 10-5. Payment of compensation.

9 (a) No licensee shall pay compensation directly to a
10 licensee sponsored by another sponsoring broker for the
11 performance of licensed activities. No licensee sponsored by a
12 broker may pay compensation to any licensee other than his or
13 her sponsoring broker for the performance of licensed
14 activities unless the licensee paying the compensation is a
15 principal to the transaction. However, a non-sponsoring broker
16 may pay compensation directly to a licensee sponsored by
17 another or a person who is not sponsored by a broker if the
18 payments are made pursuant to terms of an employment agreement
19 that was previously in place between a licensee and the
20 non-sponsoring broker, and the payments are for licensed
21 activity performed by that person while previously sponsored
22 by the now non-sponsoring broker.

23 (b) No licensee sponsored by a broker shall accept
24 compensation for the performance of activities under this Act
25 except from the broker by whom the licensee is sponsored,

1 except as provided in this Section.

2 (c) (Blank).

3 (d) One sponsoring broker may pay compensation directly to
4 another sponsoring broker for the performance of licensed
5 activities.

6 (e) Notwithstanding any other provision of this Act, a
7 sponsoring broker may pay compensation to an auctioneer ~~a~~
8 ~~person~~ currently licensed under the Auction and Estate Sale
9 License Act who is in compliance with and providing services
10 under Section 5-32 of this Act.

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

12 (225 ILCS 454/20-20)

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

14 Sec. 20-20. Nature of and grounds for discipline.

15 (a) The Department may refuse to issue or renew a license,
16 may place on probation, suspend, or revoke any license,
17 reprimand, or take any other disciplinary or non-disciplinary
18 action as the Department may deem proper and impose a fine not
19 to exceed \$25,000 for each violation upon any licensee or
20 applicant under this Act or any person who holds oneself out as
21 an applicant or licensee or against a licensee in handling
22 one's own property, whether held by deed, option, or
23 otherwise, for any one or any combination of the following
24 causes:

25 (1) Fraud or misrepresentation in applying for, or

1 procuring, a license under this Act or in connection with
2 applying for renewal of a license under this Act.

3 (2) The licensee's conviction of or plea of guilty or
4 plea of nolo contendere, as set forth in subsection (e) of
5 Section 5-25, to: (A) a felony or misdemeanor in this
6 State or any other jurisdiction; (B) the entry of an
7 administrative sanction by a government agency in this
8 State or any other jurisdiction; or (C) any conviction of
9 or plea of guilty or plea of nolo contendere to a crime
10 that subjects the licensee to compliance with the
11 requirements of the Sex Offender Registration Act.

12 (3) Inability to practice the profession with
13 reasonable judgment, skill, or safety as a result of a
14 physical illness, mental illness, or disability.

15 (4) Practice under this Act as a licensee in a retail
16 sales establishment from an office, desk, or space that is
17 not separated from the main retail business and located
18 within a separate and distinct area within the
19 establishment.

20 (5) Having been disciplined by another state, the
21 District of Columbia, a territory, a foreign nation, or a
22 governmental agency authorized to impose discipline if at
23 least one of the grounds for that discipline is the same as
24 or the equivalent of one of the grounds for which a
25 licensee may be disciplined under this Act. A certified
26 copy of the record of the action by the other state or

1 jurisdiction shall be prima facie evidence thereof.

2 (6) Engaging in the practice of real estate brokerage
3 without a license or after the licensee's license or
4 temporary permit was expired or while the license was
5 inactive, revoked, or suspended.

6 (7) Cheating on or attempting to subvert the Real
7 Estate License Exam or a continuing education course or
8 examination.

9 (8) Aiding or abetting an applicant to subvert or
10 cheat on the Real Estate License Exam or continuing
11 education exam administered pursuant to this Act.

12 (9) Advertising that is inaccurate, misleading, or
13 contrary to the provisions of the Act.

14 (10) Making any substantial misrepresentation or
15 untruthful advertising.

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

18 (12) Pursuing a continued and flagrant course of
19 misrepresentation or the making of false promises through
20 licensees, employees, agents, advertising, or otherwise.

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

24 (14) Acting for more than one party in a transaction
25 without providing written notice to all parties for whom
26 the licensee acts.

1 (15) Representing or attempting to represent, or
2 performing licensed activities for, a broker other than
3 the sponsoring broker.

4 (16) Failure to account for or to remit any moneys or
5 documents coming into the licensee's possession that
6 belong to others.

7 (17) Failure to maintain and deposit in a special
8 account, separate and apart from personal and other
9 business accounts, all escrow moneys belonging to others
10 entrusted to a licensee while acting as a broker, escrow
11 agent, or temporary custodian of the funds of others or
12 failure to maintain all escrow moneys on deposit in the
13 account until the transactions are consummated or
14 terminated, except to the extent that the moneys, or any
15 part thereof, shall be:

16 (A) disbursed prior to the consummation or
17 termination (i) in accordance with the written
18 direction of the principals to the transaction or
19 their duly authorized agents, (ii) in accordance with
20 directions providing for the release, payment, or
21 distribution of escrow moneys contained in any written
22 contract signed by the principals to the transaction
23 or their duly authorized agents, or (iii) pursuant to
24 an order of a court of competent jurisdiction; or

25 (B) deemed abandoned and transferred to the Office
26 of the State Treasurer to be handled as unclaimed

1 property pursuant to the Revised Uniform Unclaimed
2 Property Act. Escrow moneys may be deemed abandoned
3 under this subparagraph (B) only: (i) in the absence
4 of disbursement under subparagraph (A); (ii) in the
5 absence of notice of the filing of any claim in a court
6 of competent jurisdiction; and (iii) if 6 months have
7 elapsed after the receipt of a written demand for the
8 escrow moneys from one of the principals to the
9 transaction or the principal's duly authorized agent.

10 The account shall be noninterest bearing, unless the
11 character of the deposit is such that payment of interest
12 thereon is otherwise required by law or unless the
13 principals to the transaction specifically require, in
14 writing, that the deposit be placed in an interest-bearing
15 account.

16 (18) Failure to make available to the Department all
17 escrow records and related documents maintained in
18 connection with the practice of real estate within 24
19 hours of a request for those documents by Department
20 personnel.

21 (19) Failing to furnish copies upon request of
22 documents relating to a real estate transaction to a party
23 who has executed that document.

24 (20) Failure of a sponsoring broker or licensee to
25 timely provide sponsorship or termination of sponsorship
26 information to the Department.

1 (21) Engaging in dishonorable, unethical, or
2 unprofessional conduct of a character likely to deceive,
3 defraud, or harm the public, including, but not limited
4 to, conduct set forth in rules adopted by the Department.

5 (22) Commingling the money or property of others with
6 the licensee's own money or property.

7 (23) Employing any person on a purely temporary or
8 single deal basis as a means of evading the law regarding
9 payment of commission to nonlicensees on some contemplated
10 transactions.

11 (24) Permitting the use of one's license as a broker
12 to enable a residential leasing agent or unlicensed person
13 to operate a real estate business without actual
14 participation therein and control thereof by the broker.

15 (25) Any other conduct, whether of the same or a
16 different character from that specified in this Section,
17 that constitutes dishonest dealing.

18 (25.5) Failing to have a written brokerage agreement
19 between the sponsoring broker and a client for whom the
20 designated agent is working.

21 (26) Displaying a "for rent" or "for sale" sign on any
22 property without the written consent of an owner or the
23 owner's duly authorized agent or advertising by any means
24 that any property is for sale or for rent without the
25 written consent of the owner or the owner's authorized
26 agent.

1 (27) Failing to provide information requested by the
2 Department, or otherwise respond to that request, within
3 30 days of the request.

4 (28) Advertising by means of a blind advertisement,
5 except as otherwise permitted in Section 10-30 of this
6 Act.

7 (29) A licensee under this Act or an unlicensed
8 individual offering guaranteed sales plans, as defined in
9 Section 10-50, except to the extent set forth in Section
10 10-50.

11 (30) Influencing or attempting to influence, by any
12 words or acts, a prospective seller, purchaser, occupant,
13 landlord, or tenant of real estate, in connection with
14 viewing, buying, or leasing real estate, so as to promote
15 or tend to promote the continuance or maintenance of
16 racially and religiously segregated housing or so as to
17 retard, obstruct, or discourage racially integrated
18 housing on or in any street, block, neighborhood, or
19 community.

20 (31) Engaging in any act that constitutes a violation
21 of any provision of Article 3 of the Illinois Human Rights
22 Act, whether or not a complaint has been filed with or
23 adjudicated by the Human Rights Commission.

24 (32) Inducing any party to a contract of sale or lease
25 or brokerage agreement to break the contract of sale or
26 lease or brokerage agreement for the purpose of

1 substituting, in lieu thereof, a new contract for sale or
2 lease or brokerage agreement with a third party.

3 (33) Negotiating a sale, exchange, or lease of real
4 estate directly with any person if the licensee knows that
5 the person has an exclusive brokerage agreement with
6 another broker, unless specifically authorized by that
7 broker.

8 (34) When a licensee is also an attorney, acting as
9 the attorney for either the buyer or the seller in the same
10 transaction in which the licensee is acting or has acted
11 as a managing broker or broker.

12 (35) Advertising or offering merchandise or services
13 as free if any conditions or obligations necessary for
14 receiving the merchandise or services are not disclosed in
15 the same advertisement or offer. These conditions or
16 obligations include without limitation the requirement
17 that the recipient attend a promotional activity or visit
18 a real estate site. As used in this subdivision (35),
19 "free" includes terms such as "award", "prize", "no
20 charge", "free of charge", "without charge", and similar
21 words or phrases that reasonably lead a person to believe
22 that one may receive or has been selected to receive
23 something of value, without any conditions or obligations
24 on the part of the recipient.

25 (36) (Blank).

26 (37) Violating the terms of any order issued by the

1 Department.

2 (38) Paying or failing to disclose compensation in
3 violation of Article 10 of this Act.

4 (39) Requiring a party to a transaction who is not a
5 client of the licensee to allow the licensee to retain a
6 portion of the escrow moneys for payment of the licensee's
7 commission or expenses as a condition for release of the
8 escrow moneys to that party.

9 (40) Disregarding or violating any provision of this
10 Act or the published rules adopted by the Department to
11 enforce this Act or aiding or abetting any individual,
12 foreign or domestic partnership, registered limited
13 liability partnership, limited liability company,
14 corporation, or other business entity in disregarding any
15 provision of this Act or the published rules adopted by
16 the Department to enforce this Act.

17 (41) Failing to provide the minimum services required
18 by Section 15-75 of this Act when acting under an
19 exclusive brokerage agreement.

20 (42) Habitual or excessive use of or addiction to
21 alcohol, narcotics, stimulants, or any other chemical
22 agent or drug that results in a licensee's inability to
23 practice with reasonable skill or safety, which may result
24 in significant harm to the public.

25 (43) Enabling, aiding, or abetting an auctioneer, as
26 defined in the Auction and Estate Sale License Act, to

1 conduct a real estate auction in a manner that is in
2 violation of this Act.

3 (44) Permitting any residential leasing agent or
4 temporary residential leasing agent permit holder to
5 engage in activities that require a broker's or managing
6 broker's license.

7 (45) Failing to notify the Department, within 30 days
8 after the occurrence, of the information required in
9 subsection (e) of Section 5-25.

10 (46) A designated managing broker's failure to provide
11 an appropriate written company policy or failure to
12 perform any of the duties set forth in Section 10-55.

13 (47) Filing liens or recording written instruments in
14 any county in the State on noncommercial, residential real
15 property that relate to a broker's compensation for
16 licensed activity under the 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 Department of Professional Regulation Law of
25 the Civil Administrative Code of Illinois.

26 (c) (Blank).

1 (d) In cases where the Department of Healthcare and Family
2 Services (formerly Department of Public Aid) has previously
3 determined that a licensee or a potential licensee is more
4 than 30 days delinquent in the payment of child support and has
5 subsequently certified the delinquency to the Department may
6 refuse to issue or renew or may revoke or suspend that person's
7 license or may take other disciplinary action against that
8 person based solely upon the certification of delinquency made
9 by the Department of Healthcare and Family Services in
10 accordance with item (5) of subsection (a) of Section 2105-15
11 of the Department of Professional Regulation Law of the Civil
12 Administrative Code of Illinois.

13 (e) (Blank).

14 (Source: P.A. 102-970, eff. 5-27-22; 103-236, eff. 1-1-24;
15 103-1039, eff. 1-1-25.)

16 Section 30. The Firearm Dealer License Certification Act
17 is amended by changing Section 5-25 as follows:

18 (430 ILCS 68/5-25)

19 Sec. 5-25. Exemptions. The provisions of this Act related
20 to the certification of a license do not apply to a person or
21 entity that engages in the following activities:

22 (1) temporary transfers of firearms solely for use at
23 the location or on the premises where the transfer takes
24 place, such as transfers at a shooting range for use at

1 that location;

2 (2) temporary transfers of firearms solely for use
3 while in the presence of the transferor or transfers for
4 the purposes of firearm safety training by a firearms
5 safety training instructor;

6 (3) transfers of firearms among immediate family or
7 household members, as "immediate family or household
8 member" is defined in Section 3-2.7-10 of the Unified Code
9 of Corrections, provided that both the transferor and
10 transferee have a currently valid Firearm Owner's
11 Identification Card; however, this paragraph (3) does not
12 limit the familial gift exemption under paragraph (2) of
13 subsection (a-15) of Section 3 of the Firearm Owners
14 Identification Card Act;

15 (4) transfers by persons or entities acting under
16 operation of law or a court order;

17 (5) transfers by persons or entities liquidating all
18 or part of a collection. For purposes of this paragraph
19 (5), "collection" means 2 or more firearms which are of
20 special interest to collectors by reason of some quality
21 other than is associated with firearms intended for
22 sporting use or as offensive or defensive weapons;

23 (6) transfers of firearms that have been rendered
24 permanently inoperable to a nonprofit historical society,
25 museum, or institutional collection;

26 (7) transfers by a law enforcement or corrections

1 agency or a law enforcement or corrections officer acting
2 within the course and scope of his or her official duties;

3 (8) transfers to a State or local law enforcement
4 agency by a person who has his or her Firearm Owner's
5 Identification Card revoked;

6 (9) transfers of curios and relics, as defined under
7 federal law, between collectors licensed under subsection
8 (b) of Section 923 of the federal Gun Control Act of 1968;

9 (10) transfers by a person or entity licensed as an
10 auctioneer under the Auction and Estate Sale License Act;

11 (10.5) transfers of firearms to a resident registered
12 competitor or attendee or non-resident registered
13 competitor or attendee by a licensed federal firearms
14 dealer under Section 923 of the federal Gun Control Act of
15 1968 at a competitive shooting event held at the World
16 Shooting and Recreational Complex that is sanctioned by a
17 national governing body; or

18 (11) transfers between a pawnshop and a customer which
19 amount to a bailment. For purposes of this paragraph (11),
20 "bailment" means the act of placing property in the
21 custody and control of another, by agreement in which the
22 holder is responsible for the safekeeping and return of
23 the property.

24 (Source: P.A. 100-1178, eff. 1-18-19; 101-80, eff. 7-12-19.)

25 Section 35. The Unified Code of Corrections is amended by

1 changing Section 5-5-5 as follows:

2 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

3 Sec. 5-5-5. Loss and restoration of rights.

4 (a) Conviction and disposition shall not entail the loss
5 by the defendant of any civil rights, except under this
6 Section and Sections 29-6 and 29-10 of The Election Code, as
7 now or hereafter amended.

8 (b) A person convicted of a felony shall be ineligible to
9 hold an office created by the Constitution of this State until
10 the completion of his sentence.

11 (b-5) Notwithstanding any other provision of law, a person
12 convicted of a felony, bribery, perjury, or other infamous
13 crime for an offense committed on or after the effective date
14 of this amendatory Act of the 103rd General Assembly and
15 committed while he or she was serving as a public official in
16 this State is ineligible to hold any local public office or any
17 office created by the Constitution of this State unless the
18 person's conviction is reversed, the person is again restored
19 to such rights by the terms of a pardon for the offense, the
20 person has received a restoration of rights by the Governor,
21 or the person's rights are otherwise restored by law.

22 (c) A person sentenced to imprisonment shall lose his
23 right to vote until released from imprisonment.

24 (d) On completion of sentence of imprisonment or upon
25 discharge from probation, conditional discharge or periodic

1 imprisonment, or at any time thereafter, all license rights
2 and privileges granted under the authority of this State which
3 have been revoked or suspended because of conviction of an
4 offense shall be restored unless the authority having
5 jurisdiction of such license rights finds after investigation
6 and hearing that restoration is not in the public interest.
7 This paragraph (d) shall not apply to the suspension or
8 revocation of a license to operate a motor vehicle under the
9 Illinois Vehicle Code.

10 (e) Upon a person's discharge from incarceration or
11 parole, or upon a person's discharge from probation or at any
12 time thereafter, the committing court may enter an order
13 certifying that the sentence has been satisfactorily completed
14 when the court believes it would assist in the rehabilitation
15 of the person and be consistent with the public welfare. Such
16 order may be entered upon the motion of the defendant or the
17 State or upon the court's own motion.

18 (f) Upon entry of the order, the court shall issue to the
19 person in whose favor the order has been entered a certificate
20 stating that his behavior after conviction has warranted the
21 issuance of the order.

22 (g) This Section shall not affect the right of a defendant
23 to collaterally attack his conviction or to rely on it in bar
24 of subsequent proceedings for the same offense.

25 (h) No application for any license specified in subsection
26 (i) of this Section granted under the authority of this State

1 shall be denied by reason of an eligible offender who has
2 obtained a certificate of relief from disabilities, as defined
3 in Article 5.5 of this Chapter, having been previously
4 convicted of one or more criminal offenses, or by reason of a
5 finding of lack of "good moral character" when the finding is
6 based upon the fact that the applicant has previously been
7 convicted of one or more criminal offenses, unless:

8 (1) there is a direct relationship between one or more
9 of the previous criminal offenses and the specific license
10 sought; or

11 (2) the issuance of the license would involve an
12 unreasonable risk to property or to the safety or welfare
13 of specific individuals or the general public.

14 In making such a determination, the licensing agency shall
15 consider the following factors:

16 (1) the public policy of this State, as expressed in
17 Article 5.5 of this Chapter, to encourage the licensure
18 and employment of persons previously convicted of one or
19 more criminal offenses;

20 (2) the specific duties and responsibilities
21 necessarily related to the license being sought;

22 (3) the bearing, if any, the criminal offenses or
23 offenses for which the person was previously convicted
24 will have on his or her fitness or ability to perform one
25 or more such duties and responsibilities;

26 (4) the time which has elapsed since the occurrence of

1 the criminal offense or offenses;

2 (5) the age of the person at the time of occurrence of
3 the criminal offense or offenses;

4 (6) the seriousness of the offense or offenses;

5 (7) any information produced by the person or produced
6 on his or her behalf in regard to his or her rehabilitation
7 and good conduct, including a certificate of relief from
8 disabilities issued to the applicant, which certificate
9 shall create a presumption of rehabilitation in regard to
10 the offense or offenses specified in the certificate; and

11 (8) the legitimate interest of the licensing agency in
12 protecting property, and the safety and welfare of
13 specific individuals or the general public.

14 (i) A certificate of relief from disabilities shall be
15 issued only for a license or certification issued under the
16 following Acts:

17 (1) the Animal Welfare Act; except that a certificate
18 of relief from disabilities may not be granted to provide
19 for the issuance or restoration of a license under the
20 Animal Welfare Act for any person convicted of violating
21 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
22 Care for Animals Act or Section 26-5 or 48-1 of the
23 Criminal Code of 1961 or the Criminal Code of 2012;

24 (2) the Illinois Athletic Trainers Practice Act;

25 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,
26 and Nail Technology Act of 1985;

- 1 (4) the Boiler and Pressure Vessel Repairer Regulation
- 2 Act;
- 3 (5) the Boxing and Full-contact Martial Arts Act;
- 4 (6) the Illinois Certified Shorthand Reporters Act of
- 5 1984;
- 6 (7) the Illinois Farm Labor Contractor Certification
- 7 Act;
- 8 (8) the Registered Interior Designers Act;
- 9 (9) the Illinois Professional Land Surveyor Act of
- 10 1989;
- 11 (10) the Landscape Architecture Registration Act;
- 12 (11) the Marriage and Family Therapy Licensing Act;
- 13 (12) the Private Employment Agency Act;
- 14 (13) the Professional Counselor and Clinical
- 15 Professional Counselor Licensing and Practice Act;
- 16 (14) the Real Estate License Act of 2000;
- 17 (15) the Illinois Roofing Industry Licensing Act;
- 18 (16) the Professional Engineering Practice Act of
- 19 1989;
- 20 (17) the Water Well and Pump Installation Contractor's
- 21 License Act;
- 22 (18) the Electrologist Licensing Act;
- 23 (19) the Auction and Estate Sale License Act;
- 24 (20) the Illinois Architecture Practice Act of 1989;
- 25 (21) the Dietitian Nutritionist Practice Act;
- 26 (22) the Environmental Health Practitioner Licensing

1 Act;
2 (23) the Funeral Directors and Embalmers Licensing
3 Code;
4 (24) (blank);
5 (25) the Professional Geologist Licensing Act;
6 (26) the Illinois Public Accounting Act; and
7 (27) the Structural Engineering Practice Act of 1989.
8 (Source: P.A. 102-284, eff. 8-6-21; 103-562, eff. 11-17-23.)

9 Section 40. The Timeshare Lien and Security Interest Act
10 is amended by changing Section 10 as follows:

11 (770 ILCS 103/10)

12 Sec. 10. Nonjudicial foreclosure against timeshare
13 estates.

14 (a) Notwithstanding anything in the Illinois Mortgage
15 Foreclosure Law or other applicable law to the contrary:

16 (1) the holder of a mortgage against a timeshare
17 estate may foreclose or otherwise enforce a security
18 interest pursuant to this Section; and

19 (2) the holder of a managing entity lien against a
20 timeshare estate may foreclose the managing entity lien
21 pursuant to this Section.

22 (b) Upon default, and after all applicable cure periods
23 identified in the mortgage (if the default is under a
24 mortgage) or the timeshare instrument (if the default is under

1 a managing entity lien) have expired, the holder of the
2 mortgage or managing entity lien must:

3 (1) Provide written notice of the default to the
4 timeshare estate owner at the last known address of the
5 timeshare estate owner by:

6 (A) certified mail, return receipt requested; or

7 (B) first class mail.

8 (2) Provide the timeshare estate owner an additional
9 opportunity to cure for a period of 30 days following the
10 later date of the mailing of the notices sent pursuant to
11 paragraph (1) of this subsection.

12 (c) If the timeshare estate owner does not cure the
13 default before the expiration of the additional cure period
14 granted pursuant to paragraph (2) of subsection (b), the
15 holder of the mortgage or managing entity lien may foreclose
16 the mortgage or managing entity lien by conducting a public
17 auction that complies with the following requirements:

18 (1) The holder of the mortgage or managing entity lien
19 must provide notice of the public auction as follows:

20 (A) By publishing notice of the public auction in
21 at least each of 3 successive weeks in a newspaper,
22 whether printed or electronic, of general circulation
23 in the county where the timeshare estate is located.
24 The first notice must be published no more than 30 days
25 before the date of the public auction, which 30-day
26 period shall be calculated by excluding the date of

1 publication of the first notice and the date of the
2 public auction.

3 (B) By sending written notice identifying the
4 time, date, and place of the public auction to the last
5 known address of the owner of record of the timeshare
6 estate at least 30 days before the date of the public
7 auction by: (i) certified mail, return receipt
8 requested; or (ii) first class mail.

9 (C) By sending notice by certified mail, return
10 receipt requested, or first class mail, at least 30
11 days before the date of the public auction,
12 identifying the time, date, and place of the public
13 auction to all persons known to have a lien against the
14 timeshare estate.

15 (2) The notices given pursuant to paragraph (1) of
16 this subsection must also contain:

17 (A) the name of the timeshare estate owner;

18 (B) a general description of the timeshare estate;

19 and

20 (C) the terms of the public auction.

21 (3) If more than one timeshare estate is to be
22 included in the public auction, all such timeshare estates
23 may be combined into one notice of public auction.

24 (4) The public notice required by subparagraph (A) of
25 paragraph (1) of this subsection for foreclosing a
26 mortgage against a timeshare estate must be printed in the

1 following or a substantially similar form:

2 "NOTICE OF SALE OF TIMESHARE ESTATE OR ESTATES UNDER SECTION
3 10 OF THE TIMESHARE LIEN AND SECURITY INTEREST ACT

4 By virtue of Section 10 of the Timeshare Lien and Security
5 Interest Act and in execution of a certain mortgage (or
6 mortgages, if more than one) on the timeshare estate (or
7 estates, if more than one) given by the owner of the timeshare
8 estate (or owners, if more than one) set forth below for breach
9 of the conditions of said mortgage (or mortgages, if more than
10 one) and for the purpose of foreclosing, the same will be sold
11 at public auction starting at on 20..
12 at, Illinois, being all and singular the premises
13 described in said mortgage (or mortgages, if more than one).
14 (For each mortgage, list the name and address of the timeshare
15 estate owner, a general description of the timeshare estate,
16 and the book and page number of the mortgage.)

17 TERMS OF SALE: (State the deposit amount to be paid by the
18 purchaser at the time and place of the sale and the times for
19 payment of the balance or the whole, as the case may be. The
20 timeshare estates, if more than one, must be sold in
21 individual lots unless there are no individual bidders, in
22 which case, they may be sold as a group.)

1 Other terms may be announced at the public auction.

2 Signed

3 Holder of mortgage or authorized agent.".

4 (5) The public notice required by subparagraph (A) of
5 paragraph (1) of this subsection for foreclosing a
6 managing entity lien against a timeshare estate must be
7 printed in the following or a substantially similar form:

8 "NOTICE OF SALE OF TIMESHARE ESTATE OR ESTATES UNDER SECTION
9 10 OF THE TIMESHARE LIEN AND SECURITY INTEREST ACT

10 By virtue of the timeshare instrument of the
11 (name and address of timeshare property)
12 and Section 5 of the Timeshare Lien and Security Interest Act
13 establishing a managing entity lien for failure to pay
14 assessments and other costs on the timeshare estate (or
15 estates, if more than one) held by the owner of the timeshare
16 estate (or owners, if more than one) listed below, the
17 timeshare estate (or estates, if more than one) and for the
18 purpose of foreclosing, the same will be sold at public
19 auction starting at on 20.. at
20, Illinois. (For each timeshare estate, list the
21 name and address of the timeshare estate owner, a general

1 description of the timeshare estate, and the book and page
2 number of the deed.)

3 TERMS OF SALE: (State the deposit amount to be paid by the
4 purchaser at the time and place of the sale and the times for
5 payment of the balance or the whole, as the case may be. The
6 timeshare estates, if more than one, must be sold in
7 individual lots unless there are no individual bidders, in
8 which case, they may be sold as a group.)

9 Other terms may be announced at the public auction.

10 Signed

11 Managing entity lienholder or authorized agent."

12 (6) Publishing and sending notices in compliance with
13 this subsection constitutes sufficient public notice of
14 the public auction.

15 (d) Public auctions pursuant to this Section must be
16 conducted as follows:

17 (1) The public auction must take place within the
18 county where the timeshare estate is located.

19 (2) The public auction must be open to the general
20 public and conducted by an auctioneer licensed pursuant to
21 the Auction and Estate Sale License Act.

1 (3) The auctioneer, in his or her discretion, may
2 waive the reading of the names of the timeshare estate
3 owners, if more than one, the description of the timeshare
4 estates, if more than one, and the recording information
5 of the applicable mortgages or managing entity liens (as
6 the case may be), if more than one.

7 (4) All rights of redemption of the timeshare estate
8 owner are extinguished upon sale of a timeshare estate at
9 the public auction.

10 (5) The holder of the mortgage or managing entity
11 lien, the developer, the managing entity, and the
12 timeshare estate owner are not precluded from bidding at
13 the public auction.

14 (6) The successful purchaser at the public auction is
15 not required to complete the purchase of the timeshare
16 estate if the timeshare estate, at the time the auctioneer
17 accepts the successful bid, is subject to liens or other
18 encumbrances, other than those identified in the notice of
19 public auction and those identified at the auction before
20 the auctioneer opens bidding on the applicable timeshare
21 estate.

22 (7) The purchaser at the public auction takes title to
23 the timeshare estate free and clear of any outstanding
24 assessments owed by the prior timeshare estate owner to
25 the managing entity.

26 (e) Upon the sale of a timeshare estate pursuant to this

1 Section, the holder of the mortgage or managing entity lien
2 must provide the purchaser with:

3 (1) a foreclosure deed or other appropriate instrument
4 transferring the mortgage holder's or managing entity's
5 interest in the timeshare estate; and

6 (2) an affidavit affirming that all requirements of
7 the foreclosure pursuant to this Section have been
8 satisfied.

9 (f) The timeshare estate is considered sold and the deed
10 or other instrument transferring the timeshare estate must
11 transfer the timeshare estate, subject to municipal or other
12 taxes and any liens or encumbrances recorded before the
13 recording of the mortgage or the managing entity lien
14 foreclosed pursuant to this Section (as the case may be), but
15 not including such managing entity lien.

16 (g) The purchaser of a timeshare estate at a public
17 auction pursuant to this Section must record the foreclosure
18 deed or other instrument with the appropriate recorder of
19 deeds within 30 days after the date the foreclosing mortgage
20 holder or managing entity (as the case may be) delivers the
21 foreclosure deed or other instrument to the purchaser.

22 (h) If the holder of a mortgage or managing entity lien
23 conducts a nonjudicial foreclosure pursuant to this Section,
24 the holder of the mortgage or managing entity lien forfeits
25 its right to pursue a claim for any deficiency in the payment
26 of the obligations of the timeshare estate owner resulting

1 from the application of the proceeds of the sale to such
2 obligations.

3 (i) For purposes of this Section, obligations to pay
4 assessments secured by a lien established pursuant to a
5 timeshare instrument before the effective date of this Act are
6 considered managing entity liens.

7 (j) This Section applies to the foreclosure of mortgages
8 and liens considered to be managing entity liens that arose
9 before or after the effective date of this Act.

10 (Source: P.A. 100-1038, eff. 1-1-19.)

11 Section 45. The Ticket Sale and Resale Act is amended by
12 changing Section 1.5 as follows:

13 (815 ILCS 414/1.5) (was 720 ILCS 375/1.5)

14 Sec. 1.5. Sale of tickets at more than face value
15 prohibited; exceptions.

16 (a) Except as otherwise provided in subsections (b), (c),
17 (d), (e), and (f-5) of this Section and in Section 4, it is
18 unlawful for any person, persons, firm or corporation to sell
19 tickets for baseball games, football games, hockey games,
20 theatre entertainments, or any other amusement for a price
21 more than the price printed upon the face of said ticket, and
22 the price of said ticket shall correspond with the same price
23 shown at the box office or the office of original
24 distribution.

1 (b) This Act does not apply to the resale of tickets of
2 admission to a sporting event, theater, musical performance,
3 or place of public entertainment or amusement of any kind for a
4 price in excess of the printed box office ticket price by a
5 ticket broker who meets all of the following requirements:

6 (1) The ticket broker is duly registered with the
7 Office of the Secretary of State on a registration form
8 provided by that Office. The registration must contain a
9 certification that the ticket broker:

10 (A) engages in the resale of tickets on a regular
11 and ongoing basis from one or more permanent or fixed
12 locations located within this State;

13 (B) maintains as the principal business activity
14 at those locations the resale of tickets;

15 (C) displays at those locations the ticket
16 broker's registration;

17 (D) maintains at those locations a listing of the
18 names and addresses of all persons employed by the
19 ticket broker;

20 (E) is in compliance with all applicable federal,
21 State, and local laws relating to its ticket selling
22 activities, and that neither the ticket broker nor any
23 of its employees within the preceding 12 months have
24 been convicted of a violation of this Act; and

25 (F) meets the following requirements:

26 (i) the ticket broker maintains a toll free

1 number specifically dedicated for Illinois
2 consumer complaints and inquiries concerning
3 ticket sales;

4 (ii) the ticket broker has adopted a code that
5 advocates consumer protection that includes, at a
6 minimum:

7 (a-1) consumer protection guidelines;

8 (b-1) a standard refund policy. In the
9 event a refund is due, the ticket broker shall
10 provide that refund without charge other than
11 for reasonable delivery fees for the return of
12 the tickets; and

13 (c-1) standards of professional conduct;

14 (iii) the ticket broker has adopted a
15 procedure for the binding resolution of consumer
16 complaints by an independent, disinterested third
17 party and thereby submits to the jurisdiction of
18 the State of Illinois; and

19 (iv) the ticket broker has established and
20 maintains a consumer protection rebate fund in
21 Illinois in an amount in excess of \$100,000, which
22 must be cash available for immediate disbursement
23 for satisfaction of valid consumer complaints.

24 Alternatively, the ticket broker may fulfill the
25 requirements of subparagraph (F) of this paragraph (1) if
26 the ticket broker certifies that he or she belongs to a

1 professional association organized under the laws of this
2 State, or organized under the laws of any other state and
3 authorized to conduct business in Illinois, that has been
4 in existence for at least 3 years prior to the date of that
5 broker's registration with the Office of the Secretary of
6 State, and is specifically dedicated, for and on behalf of
7 its members, to provide and maintain the consumer
8 protection requirements of subparagraph (F) of this
9 paragraph (1) to maintain the integrity of the ticket
10 brokerage industry.

11 (2) (Blank).

12 (3) The ticket broker and his employees must not
13 engage in the practice of selling, or attempting to sell,
14 tickets for any event while sitting or standing near the
15 facility at which the event is to be held or is being held
16 unless the ticket broker or his or her employees are on
17 property they own, lease, or have permission to occupy.

18 (4) The ticket broker must comply with all
19 requirements of the Retailers' Occupation Tax Act and
20 collect and remit all other applicable federal, State and
21 local taxes in connection with the ticket broker's ticket
22 selling activities.

23 (5) Beginning January 1, 1996, no ticket broker shall
24 advertise for resale any tickets within this State unless
25 the advertisement contains the name of the ticket broker
26 and the Illinois registration number issued by the Office

1 of the Secretary of State under this Section.

2 (6) Each ticket broker registered under this Act shall
3 pay an annual registration fee of \$100.

4 (c) This Act does not apply to the sale of tickets of
5 admission to a sporting event, theater, musical performance,
6 or place of public entertainment or amusement of any kind for a
7 price in excess of the printed box office ticket price by a
8 reseller engaged in interstate or intrastate commerce on an
9 Internet auction listing service duly registered with the
10 Office of the Secretary of State on a registration form
11 provided by that Office. This subsection (c) applies to both
12 sales through an online bid submission process and sales at a
13 fixed price on the same website or interactive computer
14 service as an Internet auction listing service.

15 This subsection (c) applies to resales described in this
16 subsection only if the operator of the Internet auction
17 listing service meets the following requirements:

18 (1) the operator maintains a listing of the names and
19 addresses of its corporate officers;

20 (2) the operator is in compliance with all applicable
21 federal, State, and local laws relating to ticket selling
22 activities, and the operator's officers and directors have
23 not been convicted of a violation of this Act within the
24 preceding 12 months;

25 (3) the operator maintains, either itself or through
26 an affiliate, a toll free number dedicated for consumer

1 complaints;

2 (4) the operator provides consumer protections that
3 include at a minimum:

4 (A) consumer protection guidelines;

5 (B) a standard refund policy that guarantees to
6 all purchasers that it will provide and in fact
7 provides a full refund of the amount paid by the
8 purchaser (including, but not limited to, all fees,
9 regardless of how characterized) if the following
10 occurs:

11 (i) the ticketed event is cancelled and the
12 purchaser returns the tickets to the seller or
13 Internet auction listing service; however,
14 reasonable delivery fees need not be refunded if
15 the previously disclosed guarantee specifies that
16 the fees will not be refunded if the event is
17 cancelled;

18 (ii) the ticket received by the purchaser does
19 not allow the purchaser to enter the ticketed
20 event for reasons that may include, without
21 limitation, that the ticket is counterfeit or that
22 the ticket has been cancelled by the issuer due to
23 non-payment, unless the ticket is cancelled due to
24 an act or omission by such purchaser;

25 (iii) the ticket fails to conform to its
26 description on the Internet auction listing

1 service; or

2 (iv) the ticket seller willfully fails to send
3 the ticket or tickets to the purchaser, or the
4 ticket seller attempted to deliver the ticket or
5 tickets to the purchaser in the manner required by
6 the Internet auction listing service and the
7 purchaser failed to receive the ticket or tickets;
8 and

9 (C) standards of professional conduct;

10 (5) the operator has adopted an independent and
11 disinterested dispute resolution procedure that allows
12 resellers or purchasers to file complaints against the
13 other and have those complaints mediated or resolved by a
14 third party, and requires the resellers or purchasers to
15 submit to the jurisdiction of the State of Illinois for
16 complaints involving a ticketed event held in Illinois;

17 (6) the operator either:

18 (A) complies with all applicable requirements of
19 the Retailers' Occupation Tax Act and collects and
20 remits all applicable federal, State, and local taxes;
21 or

22 (B) publishes a written notice on the website
23 after the sale of one or more tickets that
24 automatically informs the ticket reseller of the
25 ticket reseller's potential legal obligation to pay
26 any applicable local amusement tax in connection with

1 the reseller's sale of tickets, and discloses to law
2 enforcement or other government tax officials, without
3 subpoena, the name, city, state, telephone number,
4 e-mail address, user ID history, fraud complaints, and
5 bidding and listing history of any specifically
6 identified reseller or purchaser upon the receipt of a
7 verified request from law enforcement or other
8 government tax officials relating to a criminal
9 investigation or alleged illegal activity; and

10 (7) the operator either:

11 (A) has established and maintains a consumer
12 protection rebate fund in Illinois in an amount in
13 excess of \$100,000, which must be cash available for
14 immediate disbursement for satisfaction of valid
15 consumer complaints; or

16 (B) has obtained and maintains in force an errors
17 and omissions insurance policy that provides at least
18 \$100,000 in coverage.

19 (d) This Act does not apply to the resale of tickets of
20 admission to a sporting event, theater, musical performance,
21 or place of public entertainment or amusement of any kind for a
22 price in excess of the printed box office ticket price
23 conducted at an auction solely by or for a not-for-profit
24 organization for charitable purposes under clause (a)(1) of
25 Section 10-1 of the Auction and Estate Sale License Act.

26 (e) This Act does not apply to the resale of a ticket for

1 admission to a baseball game, football game, hockey game,
2 theatre entertainment, or any other amusement for a price more
3 than the price printed on the face of the ticket and for more
4 than the price of the ticket at the box office if the resale is
5 made through an Internet website whose operator meets the
6 following requirements:

7 (1) the operator has a business presence and physical
8 street address in the State of Illinois and clearly and
9 conspicuously posts that address on the website;

10 (2) the operator maintains a listing of the names of
11 the operator's directors and officers, and is duly
12 registered with the Office of the Secretary of State on a
13 registration form provided by that Office;

14 (3) the operator is in compliance with all applicable
15 federal, State, and local laws relating to its ticket
16 reselling activities regulated under this Act, and the
17 operator's officers and directors have not been convicted
18 of a violation of this Act within the preceding 12 months;

19 (4) the operator maintains a toll free number
20 specifically dedicated for consumer complaints and
21 inquiries regarding ticket resales made through the
22 website;

23 (5) the operator either:

24 (A) has established and maintains a consumer
25 protection rebate fund in Illinois in an amount in
26 excess of \$100,000, which must be cash available for

1 immediate disbursement for satisfaction of valid
2 consumer complaints; or

3 (B) has obtained and maintains in force an errors
4 and omissions policy of insurance in the minimum
5 amount of \$100,000 for the satisfaction of valid
6 consumer complaints;

7 (6) the operator has adopted an independent and
8 disinterested dispute resolution procedure that allows
9 resellers or purchasers to file complaints against the
10 other and have those complaints mediated or resolved by a
11 third party, and requires the resellers or purchasers to
12 submit to the jurisdiction of the State of Illinois for
13 complaints involving a ticketed event held in Illinois;

14 (7) the operator either:

15 (A) complies with all applicable requirements of
16 the Retailers' Occupation Tax Act and collects and
17 remits all applicable federal, State, and local taxes;
18 or

19 (B) publishes a written notice on the website
20 after the sale of one or more tickets that
21 automatically informs the ticket reseller of the
22 ticket reseller's potential legal obligation to pay
23 any applicable local amusement tax in connection with
24 the reseller's sale of tickets, and discloses to law
25 enforcement or other government tax officials, without
26 subpoena, the name, city, state, telephone number,

1 e-mail address, user ID history, fraud complaints, and
2 bidding and listing history of any specifically
3 identified reseller or purchaser upon the receipt of a
4 verified request from law enforcement or other
5 government tax officials relating to a criminal
6 investigation or alleged illegal activity; and

7 (8) the operator guarantees to all purchasers that it
8 will provide and in fact provides a full refund of the
9 amount paid by the purchaser (including, but not limited
10 to, all fees, regardless of how characterized) if any of
11 the following occurs:

12 (A) the ticketed event is cancelled and the
13 purchaser returns the tickets to the website operator;
14 however, reasonable delivery fees need not be refunded
15 if the previously disclosed guarantee specifies that
16 the fees will not be refunded if the event is
17 cancelled;

18 (B) the ticket received by the purchaser does not
19 allow the purchaser to enter the ticketed event for
20 reasons that may include, without limitation, that the
21 ticket is counterfeit or that the ticket has been
22 cancelled by the issuer due to non-payment, unless the
23 ticket is cancelled due to an act or omission by the
24 purchaser;

25 (C) the ticket fails to conform to its description
26 on the website; or

1 (D) the ticket seller willfully fails to send the
2 ticket or tickets to the purchaser, or the ticket
3 seller attempted to deliver the ticket or tickets to
4 the purchaser in the manner required by the website
5 operator and the purchaser failed to receive the
6 ticket or tickets.

7 Nothing in this subsection (e) shall be deemed to imply
8 any limitation on ticket sales made in accordance with
9 subsections (b), (c), and (d) of this Section or any
10 limitation on sales made in accordance with Section 4.

11 (f) The provisions of subsections (b), (c), (d), and (e)
12 of this Section apply only to the resale of a ticket after the
13 initial sale of that ticket. No reseller of a ticket may refuse
14 to sell tickets to another ticket reseller solely on the basis
15 that the purchaser is a ticket reseller or ticket broker
16 authorized to resell tickets pursuant to this Act.

17 (f-5) In addition to the requirements imposed under
18 subsections (b), (c), (d), (e), and (f) of this Section,
19 ticket brokers and resellers must comply with the requirements
20 of this subsection. Before accepting any payment from a
21 purchaser, a ticket broker or reseller must disclose to the
22 purchaser in a clear, conspicuous, and readily noticeable
23 manner the following information:

24 (1) the registered name and city of the event venue;

25 (2) that the ticket broker or reseller is not the
26 event venue box office or its licensed ticket agent, but

1 is, instead, a ticket broker or reseller and that lost or
2 stolen tickets may be reissued only by ticket brokers or
3 resellers;

4 (3) whether it is registered under this Act; and

5 (4) its refund policy, name, and contact information.

6 Before selling and accepting payment for a ticket, a
7 ticket broker or reseller must require the purchaser to
8 acknowledge by an affirmative act the disclosures required
9 under this subsection. The disclosures required by this
10 subsection must be made in a clear and conspicuous manner,
11 appear together, and be preceded by the heading "IMPORTANT
12 NOTICE" which must be in bold face font that is larger than the
13 font size of the required disclosures.

14 Ticket brokers and resellers must guarantee a full refund
15 of the amount paid by the purchaser, including handling and
16 delivery fees, if any of the following occurs:

17 (1) the ticket received by the purchaser does not
18 grant the purchaser admission to the event described on
19 the ticket, unless it is due to an act or omission by the
20 purchaser;

21 (2) the ticket fails to conform substantially to its
22 description as advertised; or

23 (3) the event for which the ticket has been resold is
24 cancelled and not rescheduled.

25 This subsection (f-5) does not apply to an Internet
26 auction listing service.

1 (g) The provisions of Public Act 89-406 are severable
2 under Section 1.31 of the Statute on Statutes.

3 (h) The provisions of this amendatory Act of the 94th
4 General Assembly are severable under Section 1.31 of the
5 Statute on Statutes.

6 (Source: P.A. 99-431, eff. 1-1-16; 100-534, eff. 9-22-17.)

1 INDEX

2 Statutes amended in order of appearance

3 5 ILCS 80/4.40

4 35 ILCS 120/1

5 60 ILCS 1/30-50

6 225 ILCS 407/Act title

7 225 ILCS 407/5-1

8 225 ILCS 407/5-10

9 225 ILCS 407/10-21 new

10 225 ILCS 407/10-21.5 new

11 225 ILCS 454/5-32

12 225 ILCS 454/10-5

13 225 ILCS 454/20-20

14 430 ILCS 68/5-25

15 730 ILCS 5/5-5-5 from Ch. 38, par. 1005-5-5

16 770 ILCS 103/10

17 815 ILCS 414/1.5 was 720 ILCS 375/1.5