

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 Sections 4.37 and 4.42 as follows:

6 (5 ILCS 80/4.37)

7 Sec. 4.37. Acts and Articles repealed on January 1, 2027.
8 The following are repealed on January 1, 2027:

9 The Clinical Psychologist Licensing Act.

10 The Illinois Optometric Practice Act of 1987.

11 Articles II, III, IV, V, VI, VIIA, VIIC, XVII, XXXI, and
12 XXXI 1/4 of the Illinois Insurance Code.

13 The Boiler and Pressure Vessel Repairer Regulation Act.

14 The Marriage and Family Therapy Licensing Act.

15 The Boxing and Full-contact Martial Arts Act.

16 ~~The Cemetery Oversight Act.~~

17 ~~The Community Association Manager Licensing and~~
18 ~~Disciplinary Act.~~

19 ~~The Detection of Deception Examiners Act.~~

20 ~~The Home Inspector License Act.~~

21 The Massage Licensing Act.

22 The Medical Practice Act of 1987.

23 The Petroleum Equipment Contractors Licensing Act.

1 The Radiation Protection Act of 1990.

2 ~~The Real Estate Appraiser Licensing Act of 2002.~~

3 ~~The Registered Interior Designers Act.~~

4 ~~The Landscape Architecture Registration Act.~~

5 The Water Well and Pump Installation Contractor's License
6 Act.

7 The Licensed Certified Professional Midwife Practice Act.

8 (Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21;
9 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; 102-683, eff.
10 10-1-22; 102-813, eff. 5-13-22; 103-371, eff. 1-1-24; 103-823,
11 eff. 8-9-24.)

12 (5 ILCS 80/4.42)

13 Sec. 4.42. Acts repealed on January 1, 2032. The following
14 Acts are repealed on January 1, 2032:

15 The Cemetery Oversight Act.

16 The Collateral Recovery Act.

17 The Community Association Manager Licensing and
18 Disciplinary Act.

19 The Detection of Deception Examiners Act.

20 The Home Inspector License Act.

21 The Landscape Architecture Registration Act.

22 The Real Estate Appraiser Licensing Act of 2002.

23 The Registered Interior Designers Act.

24 (Source: P.A. 103-371, eff. 1-1-24.)

1 Section 10. The Auction License Act is amended by changing
2 Sections 5-10, 10-1, 10-30, 10-40, 10-45, 15-15, 15-25, 20-15,
3 20-15.1, 20-16, 20-20, 20-30, 20-35, 20-40, 20-43, 20-55,
4 20-56, 25-110, and 30-7 as follows:

5 (225 ILCS 407/5-10)

6 (Section scheduled to be repealed on January 1, 2030)

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

8 "Advertisement" means any written, oral, or electronic
9 communication that contains a promotion, inducement, or offer
10 to conduct an auction or offer to provide an auction service,
11 including but not limited to brochures, pamphlets, radio and
12 television scripts, telephone and direct mail solicitations,
13 electronic media, Internet online, and other means of
14 promotion.

15 "Advisory Board" or "Board" means the Auctioneer Advisory
16 Board.

17 "Auction" means the sale or lease of property, real or
18 personal, by means of exchanges between an auctioneer and
19 prospective purchasers or lessees, which consists of a series
20 of invitations or bids for offers made by the auctioneer to
21 prospective purchasers or lessees for the purpose of obtaining
22 an acceptable offer for the sale or lease of property. ~~via~~
23 ~~mail, telecommunications, or the Internet online.~~

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

1 "Auction firm" means any corporation, partnership, or
2 limited liability company that ~~acts as an auctioneer and~~
3 provides an auction service.

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

7 "Auction service" means the service of arranging,
8 managing, advertising, or conducting auctions.

9 "Auctioneer" means a person or entity who, for another,
10 for a fee, compensation, commission, or any other valuable
11 consideration at auction or with the intention or expectation
12 of receiving valuable consideration by the means of or process
13 of an auction or sale at auction or providing an auction
14 service, offers, negotiates, or attempts to negotiate an
15 auction contract, sale, purchase, or exchange of goods,
16 chattels, merchandise, personal property, real property, or
17 any commodity that may be lawfully kept or offered for sale by
18 or at auction.

19 "Address of record" means the designated address recorded
20 by the Department in the applicant's or licensee's application
21 file or license file maintained by the Department.

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

26 "Department" means the Department of Financial and

1 Professional Regulation.

2 "Division" means the Division of Real Estate within the
3 Department.

4 "Email address of record" means the designated email
5 address recorded by the Department in the applicant's
6 application file or the licensee's license file maintained by
7 the Department's licensure maintenance unit.

8 "Estate sale" means a sale for liquidation of personal
9 property of an estate owned by one or more individuals,
10 families, or legal representatives of the estate that is
11 advertised and scheduled for a predetermined amount of time
12 and to which the public is invited to participate in a
13 negotiation or bid for the purchase of the personal property.

14 "Estate sale service" means the performance of an auction
15 service for the owners of personal property to be sold at an
16 estate sale, where an auctioneer undertakes the responsibility
17 of conducting the sale. "Estate sale service" does not include
18 the sale of real property.

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

22 "Interactive computer service" means any information
23 service, system, or access software provider that provides or
24 enables computer access by multiple users to a computer
25 server, including specifically a service or system that
26 provides access to the Internet.

1 "Internet auction listing service" means a website on the
2 Internet, or other interactive computer service, that is
3 designed to allow or advertise as a means of allowing users to
4 offer personal property or services for sale or lease to a
5 prospective buyer or lessee through an online bid submission
6 process using that website or interactive computer service and
7 that does not examine, set the price, prepare the description
8 of the personal property or service to be offered, or in any
9 way utilize the services of a natural person as an auctioneer.

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

11 "Managing auctioneer" means any person licensed as an
12 auctioneer who manages and supervises an auction firm
13 ~~licensees~~.

14 "Online auction" means an auction or auction service
15 conducted by an auctioneer via a website on the Internet, an
16 application, an interactive computer service, or other similar
17 media.

18 "Person" means an individual, association, partnership,
19 corporation, ~~or~~ limited liability company, or auction firm ~~or~~
20 ~~the officers, directors, or employees of the same.~~

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

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

25 "Secretary" means the Secretary of Financial and
26 Professional Regulation or the Secretary's ~~his or her~~

1 designee.

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

3 (225 ILCS 407/10-1)

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

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

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

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

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

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

21 (4) an auction conducted by a business registered as a
22 market agency under the federal Packers and Stockyards Act
23 (7 U.S.C. 181 et seq.) or under the Livestock Auction
24 Market Law;

25 (5) an auction conducted by an agent, officer, or

1 employee of a federal agency in the conduct of the
2 agent's, officer's, or employee's ~~his or her~~ official
3 duties; and

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

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

20 (c) Nothing in this Act shall be construed to prohibit a
21 person under the age of 18 from selling property under \$250 in
22 value while under the direct supervision of a licensed
23 auctioneer.

24 (d) Nothing in this Act shall be construed to apply to a
25 person providing an Internet auction listing service as
26 defined in Section 5-10.

1 (e) Nothing in this Act shall be construed to apply to a
2 third-party reseller of personal property where owners or
3 representatives of an estate have transferred ownership of the
4 property to the reseller to be sold anonymously. A third-party
5 reseller may include, but is not limited to, a retail seller, a
6 consignment seller, or a distributor who does not conduct an
7 estate sale.

8 (f) Nothing in this Section shall be construed to apply to
9 any person as a receiver, trustee in bankruptcy, guardian,
10 administrator, or executor; any such person acting under an
11 order of any court, under the direction of any public
12 authority, or pursuant to any judicial decree; or any such
13 person acting pursuant to a trust agreement, deed of trust, or
14 will.

15 (g) The licensing of auction firms required under this Act
16 does not apply to an entity whose ownership structure consists
17 of one licensed auctioneer operating either (i) a sole
18 proprietorship, a single member limited liability company, or
19 a single shareholder corporation, or (ii) a limited liability
20 company, corporation, or partnership co-owned solely with the
21 auctioneer's unlicensed spouse. The auctioneer owner or
22 operator must be the only licensee performing auctions on the
23 entity's behalf and shall comply with all other provisions of
24 this Act.

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

1 (225 ILCS 407/10-30)

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

3 Sec. 10-30. Renewal ~~Expiration, renewal,~~ and continuing
4 education.

5 (a) License expiration dates, renewal periods, renewal
6 fees, and procedures for renewal of licenses issued under this
7 Act shall be set by rule of the Department. The holder of a
8 license under this Act may renew the license within 90 days
9 preceding the license's expiration date by completing and
10 submitting to the Department a renewal application in a manner
11 prescribed by the Department and paying the required fees. ~~An~~
12 ~~entity may renew its license by paying the required fee and by~~
13 ~~meeting the renewal requirements adopted by the Department~~
14 ~~under this Section.~~

15 (b) All individual renewal applicants must provide proof
16 as determined by the Department of having met the continuing
17 education requirements by the deadline set forth by the
18 Department by rule. At a minimum, the rules shall require an
19 applicant for renewal licensure as an auctioneer to provide
20 proof of the completion of at least 12 hours of continuing
21 education during the ~~pre-renewal~~ period established by the
22 Department for completion of continuing education from schools
23 approved by the Department, as established by rule.

24 (c) (Blank). ~~The Department, in its discretion, may waive~~
25 ~~enforcement of the continuing education requirements of this~~
26 ~~Section and shall adopt rules defining the standards and~~

1 ~~criteria for such waiver.~~

2 (c-5) The expiration date and renewal period for an
3 auction firm shall be set by rule. An auction firm whose
4 license under this Act has expired may renew the license for a
5 period of 2 years following the expiration date by complying
6 with the requirements of this Section and paying any late
7 penalties established by rule.

8 (d) (Blank) .

9 (e) The Department shall not issue or renew a license if
10 the applicant or licensee has an unpaid fine or fee from a
11 disciplinary matter or from a non-disciplinary action imposed
12 by the Department until the fine or fee is paid to the
13 Department or the applicant or licensee has entered into a
14 payment plan and is current on the required payments.

15 (f) The Department shall not issue or renew a license if
16 the applicant or licensee has an unpaid fine or civil penalty
17 imposed by the Department for unlicensed practice until the
18 fine or civil penalty is paid to the Department or the
19 applicant or licensee has entered into a payment plan and is
20 current on the required payments.

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

22 (225 ILCS 407/10-40)

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

24 Sec. 10-40. Expiration, renewal, and restoration
25 Restoration.

1 (a) An auctioneer ~~A licensee~~ whose license has lapsed or
2 expired shall have 2 years from the expiration date to renew
3 the license ~~restore licensure~~ without examination. The ~~expired~~
4 licensee shall complete an ~~make~~ application to the Department
5 ~~on forms provided by the Department~~, provide evidence of
6 successful completion of all ~~12~~ hours of approved continuing
7 education during the period of time the license had lapsed,
8 and pay all fees and penalties as established by rule.

9 (a-5) An auctioneer whose license has lapsed or expired
10 for more than 2 years but less than 5 years may restore the
11 license without examination by (i) applying to the Department,
12 (ii) providing evidence of the licensee's successful
13 completion of all hours of approved continuing education
14 during the lapsed periods prior to the date of the
15 application, (iii) paying the required fees, and (iv)
16 satisfying any other requirements as established by rule. An
17 auctioneer whose license has been expired for more than 5
18 years shall be required to meet the requirements of a new
19 license.

20 (b) Notwithstanding any other provisions of this Act to
21 the contrary, any auctioneer ~~licensee~~ whose license under this
22 Act has expired is eligible to renew or restore such license
23 without paying any lapsed fees and penalties if the license
24 expired while the auctioneer ~~licensee~~ was:

25 (1) on active duty with the United States Army, United
26 States Marine Corps, United States Navy, United States Air

1 Force, United States Coast Guard, the State Militia called
2 into service or training;

3 (2) engaged in training or education under the
4 supervision of the United States prior to induction into
5 military service; or

6 (3) serving as an employee of the Department, while
7 the employee was required to surrender the license.

8 An auctioneer ~~A licensee~~ shall also be eligible to renew
9 ~~restore~~ a license under paragraphs (1), (2), and (3) without
10 completing the continuing education requirements for ~~that~~
11 ~~licensure period.~~ For a period of 2 years following the
12 termination of the service or education if the termination was
13 by other than dishonorable discharge and the licensee
14 furnishes the Department with an affidavit specifying that the
15 licensee has been so engaged.

16 (c) At any time after the suspension, revocation,
17 placement on probationary status, or other disciplinary action
18 taken under this Act with reference to any license, the
19 Department may restore the license to the licensee without
20 examination upon the order of the Secretary, if the licensee
21 submits a properly completed application, pays the appropriate
22 fees, and otherwise complies with the conditions of the order.

23 (d) An auctioneer who notifies the Department, in a manner
24 prescribed by the Department, may place a license on inactive
25 status for a period not to exceed 2 years and shall be excused
26 from the payment of renewal fees until the auctioneer notifies

1 the Department in writing of the auctioneer's intention to
2 resume active practice.

3 (e) An auctioneer requesting that a license be changed
4 from inactive to active status shall be required to pay the
5 current renewal fee and shall also demonstrate compliance with
6 the continuing education requirements.

7 (f) No licensee with a nonrenewed or inactive license
8 status shall provide auction services as set forth in this
9 Act.

10 (Source: P.A. 103-236, eff. 1-1-24.)

11 (225 ILCS 407/10-45)

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

13 Sec. 10-45. Nonresident auctioneer reciprocity.

14 (a) An individual ~~A person~~ holding a license to engage in
15 auctions issued to the individual ~~him or her~~ by the proper
16 authority of a state, territory, or possession of the United
17 States of America or the District of Columbia that has
18 licensing requirements equal to or substantially equivalent to
19 the requirements of this State and that otherwise meets the
20 requirements of this Act may obtain a license under this Act
21 without examination if:

22 (1) the Department has entered into a valid reciprocal
23 agreement with the proper authority of the state,
24 territory, or possession of the United States of America
25 or the District of Columbia from which the nonresident

1 applicant has a valid license;

2 (2) the applicant provides the Department with a
3 certificate of good standing from the applicant's state of
4 licensure;

5 (3) the applicant completes and submits an application
6 as provided by the Department; and

7 (4) the applicant pays all applicable fees required
8 under this Act.

9 (b) A nonresident applicant shall file an irrevocable
10 consent with the Department that actions may be commenced
11 against the applicant or nonresident licensee in a court of
12 competent jurisdiction in this State by the service of
13 summons, process, or other pleading authorized by the law upon
14 the Secretary. The consent shall stipulate and agree that
15 service of the process, summons, or pleading upon the
16 Secretary shall be taken and held in all courts to be valid and
17 binding as if actual service had been made upon the applicant
18 in Illinois. If a summons, process, or other pleading is
19 served upon the Secretary, it shall be by duplicate copies,
20 one of which shall be retained by the Department and the other
21 immediately forwarded by certified or registered mail or email
22 to the last known business address or email address of record
23 of the applicant or nonresident licensee against whom the
24 summons, process, or other pleading may be directed.

25 (Source: P.A. 101-345, eff. 8-9-19.)

1 (225 ILCS 407/15-15)

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

3 Sec. 15-15. Supervisory duties. The auction firm and
4 managing auctioneer shall have the duty and responsibility to
5 supervise and ~~manage, and control~~ any ~~sponsored~~ licensee,
6 agent, ~~or~~ employee, or representative of the auction firm who
7 conducts auctions ~~while conducting an auction~~ or provides
8 ~~providing an auction services service~~. Any violation of this
9 Act by a licensee, agent, or employee of an auction firm or
10 managing auctioneer shall be deemed to be a violation by the
11 auction firm or managing auctioneer as well as by the
12 licensee, agent, or employee.

13 (Source: P.A. 101-345, eff. 8-9-19.)

14 (225 ILCS 407/15-25)

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

16 Sec. 15-25. Auction firm. No corporation, limited
17 liability company, or partnership shall be licensed as an
18 auction firm without being managed by a licensed auctioneer.
19 The auction firm and managing auctioneer of the ~~any~~ auction
20 firm shall be responsible for the actions of all licensed and
21 unlicensed employees, agents, and representatives of said
22 auction firm while the firm conducts auctions ~~is conducting an~~
23 ~~auction~~ or provides ~~providing an auction services service~~.

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

1 (225 ILCS 407/20-15)

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

3 Sec. 20-15. Disciplinary actions; grounds. The Department
4 may refuse to issue or renew a license, may place on probation
5 ~~or administrative supervision~~, suspend, or revoke any license,
6 or may reprimand or take other disciplinary or
7 non-disciplinary action as the Department may deem proper,
8 including the imposition of fines not to exceed \$10,000 for
9 each violation upon any licensee or applicant under this Act
10 or any person or entity who holds oneself out as an applicant
11 or licensee for any of the following reasons:

12 (1) False or fraudulent representation or material
13 misstatement in furnishing information to the Department
14 in obtaining or seeking to obtain a license.

15 (2) Violation of any provision of this Act or the
16 rules adopted under this Act.

17 (3) Conviction of or entry of a plea of guilty or nolo
18 contendere, as set forth in subsection (c) of Section
19 10-5, to any crime that is a felony or misdemeanor under
20 the laws of the United States or any state or territory
21 thereof, or entry of an administrative sanction by a
22 governmental ~~government~~ agency in this State or any other
23 jurisdiction.

24 (3.5) Failing to notify the Department, within 30 days
25 after the occurrence, of the information required in
26 subsection (c) of Section 10-5.

1 (4) Being adjudged to be a person under legal
2 disability or subject to involuntary admission or to meet
3 the standard for judicial admission as provided in the
4 Mental Health and Developmental Disabilities Code.

5 (5) Discipline of a licensee by another state, the
6 District of Columbia, a territory of the United States, a
7 foreign nation, a governmental agency, or any other entity
8 authorized to impose discipline if at least one of the
9 grounds for that discipline is the same as or equivalent
10 to one of the grounds for discipline set forth in this Act
11 or for failing to report to the Department, within 30
12 days, any adverse final action taken against the licensee
13 by any other licensing jurisdiction, governmental
14 ~~government~~ agency, law enforcement agency, or court, or
15 liability for conduct that would constitute grounds for
16 action as set forth in this Act.

17 (6) Engaging in the practice of auctioneering,
18 conducting an auction, or providing an auction service
19 without a license or after the license was expired,
20 revoked, suspended, or terminated or while the license was
21 inoperative.

22 (7) Attempting to subvert or cheat on the auctioneer
23 exam or any continuing education exam, or aiding or
24 abetting another to do the same.

25 (8) Directly or indirectly giving to or receiving from
26 a person, firm, corporation, partnership, or association a

1 fee, commission, rebate, or other form of compensation for
2 professional service not actually or personally rendered,
3 except that an auctioneer licensed under this Act may
4 receive a fee from another licensed auctioneer from this
5 State or jurisdiction for the referring of a client or
6 prospect for auction services to the licensed auctioneer.

7 (9) Making any substantial misrepresentation or
8 untruthful advertising.

9 (10) Making any false promises of a character likely
10 to influence, persuade, or induce.

11 (11) Pursuing a continued and flagrant course of
12 misrepresentation or the making of false promises through
13 a licensee, agent, employee, advertising, or otherwise.

14 (12) Any misleading or untruthful advertising, or
15 using any trade name or insignia of membership in any
16 auctioneer association or organization of which the
17 licensee is not a member.

18 (13) Commingling funds of others with the licensee's
19 own funds or failing to keep the funds of others in an
20 escrow or trustee account.

21 (14) Failure to account for, remit, or return any
22 moneys, property, or documents coming into the licensee's
23 possession that belong to others, acquired through the
24 practice of auctioneering, conducting an auction, or
25 providing an auction service within 30 days of the written
26 request from the owner of said moneys, property, or

1 documents.

2 (15) Failure to maintain and deposit into a special
3 account, separate and apart from any personal or other
4 business accounts, all moneys belonging to others
5 entrusted to a licensee while acting as an auctioneer,
6 auction firm, or as a temporary custodian of the funds of
7 others.

8 (16) Failure to make available to Department personnel
9 during normal business hours all escrow and trustee
10 records and related documents maintained in connection
11 with the practice of auctioneering, conducting an auction,
12 or providing an auction service within 24 hours after a
13 request from Department personnel.

14 (17) Making or filing false records or reports in the
15 licensee's practice, including, but not limited to, false
16 records or reports filed with State agencies.

17 (18) Failing to voluntarily furnish copies of all
18 written instruments or executed documents prepared by the
19 auctioneer and signed by all parties to all parties at the
20 time of execution.

21 (19) Failing to provide information within 30 days in
22 response to a written request made by the Department.

23 (20) Engaging in any act that constitutes a violation
24 of the Illinois Human Rights Act.

25 (21) (Blank) .

26 (22) Engaging in dishonorable, unethical, or

1 unprofessional conduct of a character likely to deceive,
2 defraud, or harm the public.

3 (23) Offering or advertising real estate for sale or
4 lease at auction without a valid broker or managing
5 broker's license under the Real Estate License Act of
6 1983, or any successor Act, unless exempt from licensure
7 under the terms of the Real Estate License Act of 2000, or
8 any successor Act, except as provided in Section 5-32 of
9 the Real Estate License Act of 2000.

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

13 (25) A pattern of practice or other behavior that
14 demonstrates incapacity or incompetence to practice under
15 this Act.

16 (26) Being named as a perpetrator in an indicated
17 report by the Department of Children and Family Services
18 under the Abused and Neglected Child Reporting Act and
19 upon proof by clear and convincing evidence that the
20 licensee has caused a child to be an abused child or a
21 neglected child as defined in the Abused and Neglected
22 Child Reporting Act.

23 (27) Inability to practice with reasonable judgment,
24 skill, or safety as a result of habitual or excessive use
25 or addiction to alcohol, narcotics, stimulants, or any
26 other chemical agent or drug, which may result in

1 significant harm to the public.

2 (28) Willfully failing to report an instance of
3 suspected child abuse or neglect as required by the Abused
4 and Neglected Child Reporting Act.

5 (29) Violating the terms of any order issued by the
6 Department.

7 (Source: P.A. 103-236, eff. 1-1-24; 104-417, eff. 8-15-25.)

8 (225 ILCS 407/20-15.1)

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

10 Sec. 20-15.1. Citations.

11 (a) The Department may adopt rules to permit the issuance
12 of citations to any licensee for failure to comply with the
13 continuing education requirements set forth in this Act or as
14 established by rule. The citation shall be issued to the
15 licensee and shall contain the licensee's name and address,
16 the licensee's license number, the number of required hours of
17 continuing education that have not been successfully completed
18 on or before ~~by the licensee's licensee within the~~ renewal
19 deadline ~~period~~, and the penalty imposed, which shall not
20 exceed \$2,000. The issuance of any such citation shall not
21 excuse the licensee from completing all continuing education
22 required for that term of licensure ~~renewal period~~.

23 (b) Service of a citation shall be made in person,
24 electronically, or by mail to the licensee at the licensee's
25 address of record or email address of record, and must clearly

1 state that if the cited licensee wishes to dispute the
2 citation, they may make a written request, within 30 days
3 after the citation is served, for a hearing before the
4 Department. If the cited licensee does not request a hearing
5 within 30 days after the citation is served, then ~~the citation~~
6 ~~shall become~~ a final, non-disciplinary order shall be entered,
7 and any fine imposed is due and payable within 30 ~~60~~ days after
8 the entry of that final order. If the cited licensee requests a
9 hearing within 30 days after the citation is served, the
10 Department shall afford the cited licensee a hearing conducted
11 in the same manner as a hearing provided for in this Act for
12 any violation of this Act and shall determine whether the
13 cited licensee committed the violation as charged and whether
14 the fine as levied is warranted. If the violation is found, any
15 fine shall constitute non-public discipline and be due and
16 payable within 30 days after the order of the Secretary, which
17 shall constitute a final order of the Department. No change in
18 license status may be made by the Department until a final
19 order of the Department has been issued.

20 (c) Payment of a fine that has been assessed pursuant to
21 this Section shall not constitute disciplinary action
22 reportable on the Department's website or elsewhere unless a
23 licensee has previously received 2 or more citations and been
24 assessed 2 or more fines.

25 (d) Nothing in this Section shall prohibit or limit the
26 Department from taking further action pursuant to this Act and

1 rules for additional, repeated, or continuing violations.

2 (Source: P.A. 102-970, eff. 5-27-22.)

3 (225 ILCS 407/20-16)

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

5 Sec. 20-16. Illegal discrimination.

6 (a) When there has been an adjudication in a civil or
7 criminal proceeding that a licensee has illegally
8 discriminated while engaged in any activity for which a
9 license is required under this Act, the Department, following
10 the provision of notice to the licensee and a hearing
11 conducted in accordance with Section 20-43 and upon the
12 recommendation of the Board as to the extent of the suspension
13 or revocation, shall suspend or revoke the license of that
14 licensee in a timely manner, unless the adjudication is in the
15 appeal process. The finding or judgment of the civil or
16 criminal proceeding is a matter of record and the merits of the
17 finding or judgment shall not be challenged in a request for a
18 hearing by the licensee.

19 (b) When there has been an order in an administrative
20 proceeding finding that a licensee has illegally discriminated
21 while engaged in any activity for which a license is required
22 under this Act, the Department, following the provision of
23 notice to the licensee and a hearing conducted in accordance
24 with Section 20-43 and upon recommendation of the Board as to
25 the nature and extent of the discipline, shall take one or more

1 of the disciplinary actions provided for in this Act ~~Section~~
2 ~~20-15~~ in a timely manner, unless the administrative order is
3 in the appeal process. The finding of the administrative order
4 is a matter of record and the merits of the administrative
5 order shall not be challenged in a request for a hearing by the
6 licensee.

7 (Source: P.A. 102-970, eff. 5-27-22.)

8 (225 ILCS 407/20-20)

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

10 Sec. 20-20. Suspension ~~Termination~~ without hearing for
11 failure to pay taxes, ~~or~~ child support, or workers'
12 compensation obligations. The Department may suspend ~~terminate~~
13 or otherwise deny ~~discipline~~ any license issued under this Act
14 without hearing if the following ~~appropriate~~ administering
15 agency provides adequate information and proof that the
16 licensee has:

17 (1) failed to file a return, to pay the tax, penalty,
18 or interest shown in a filed return, or to pay any final
19 assessment of tax, penalty, or interest, as required by
20 any tax act administered by the Illinois Department of
21 Revenue until the requirements of the tax Act ~~act~~ are
22 satisfied;

23 (2) failed to pay any court ordered child support as
24 determined by a court order or by referral from the
25 Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid); ~~or~~

2 (3) (blank); or;

3 (4) failed to pay or secure workers' compensation
4 obligations as determined by and based solely upon the
5 certification of the Department of Insurance or the
6 Illinois Workers' Compensation Commission.

7 If a license is suspended ~~terminated~~ or otherwise denied
8 ~~disciplined~~ pursuant to this Section, the licensee may request
9 a hearing conducted pursuant to the Civil Administrative Code
10 of Illinois ~~as provided by this Act within 30 days of notice of~~
11 ~~termination or discipline.~~ The Department may issue a license
12 or lift the suspension of a license if satisfactory repayment
13 or obligation is determined by the respective State agency.

14 (Source: P.A. 100-872, eff. 8-14-18.)

15 (225 ILCS 407/20-30)

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

17 Sec. 20-30. Consent orders. Notwithstanding any provisions
18 concerning the conduct of hearings and recommendations for
19 disciplinary actions, the Department has the authority to
20 negotiate agreements with licensees and applicants resulting
21 in disciplinary consent orders. The consent orders may provide
22 for any form of discipline provided for in this Act. The
23 consent orders shall provide that they were not entered into
24 as a result of any coercion by the Department. Any consent
25 order shall be accepted by or rejected by the Secretary or

1 designee in a timely manner.

2 (Source: P.A. 95-572, eff. 6-1-08.)

3 (225 ILCS 407/20-35)

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

5 Sec. 20-35. Subpoenas; attendance of witnesses; oaths.

6 (a) The Department shall have the power to issue subpoenas
7 duces tecum ~~ad testificandum~~ (subpoena for documents) and to
8 bring before it any persons and to take testimony, either
9 orally or by deposition or both, with the same fees and mileage
10 and in the same manner as prescribed in civil cases in the
11 courts of this State. The Department shall have the power to
12 issue subpoenas duces tecum and to bring before it any
13 documents, papers, files, books, and records with the same
14 costs and in the same manner as prescribed in civil cases in
15 the courts of this State.

16 (b) Any circuit court may, upon application of the
17 Department or its designee or of the applicant, licensee, or
18 person holding a certificate of licensure against whom
19 proceedings under this Act are pending, enter an order
20 compelling the enforcement of any Department subpoena issued
21 in connection with any hearing or investigation.

22 (c) The Secretary or the Secretary's ~~his or her~~ designee
23 or the Board shall have power to administer oaths to witnesses
24 at any hearing that the Department is authorized to conduct
25 and any other oaths authorized in any Act administered by the

1 Department.

2 (Source: P.A. 95-572, eff. 6-1-08.)

3 (225 ILCS 407/20-40)

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

5 Sec. 20-40. Hearings; record of hearings.

6 (a) The Department shall have the authority to conduct
7 hearings on proceedings to revoke, suspend, place on probation
8 ~~or administrative review~~, reprimand, or refuse to issue or
9 renew any license under this Act or to impose a civil penalty
10 not to exceed \$10,000 upon any licensee under this Act.

11 (b) The Department, at its expense, shall preserve a
12 record of all proceedings at the formal hearing of any case.
13 The notice of hearing, complaint, all other documents in the
14 nature of pleadings, written motions filed in the proceedings,
15 the transcripts of testimony, the report of the Board, and
16 orders of the Department shall be in the record of the
17 proceeding. The Department shall furnish a transcript of such
18 record to any person interested in such hearing upon payment
19 of the fee required under Section 2105-115 of the Department
20 of Professional Regulation Law of the Civil Administrative
21 Code of Illinois ~~(20 ILCS 2105/2105-115)~~.

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

23 (225 ILCS 407/20-43)

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

1 Sec. 20-43. Investigations; notice and hearing. The
2 Department may investigate the actions or qualifications of
3 any person who is an applicant, unlicensed person, or person
4 rendering or offering to render auction services, or holding
5 or claiming to hold a license as a licensed auctioneer. At
6 least 30 days before any disciplinary hearing under this Act,
7 the Department shall: (i) notify the person charged in writing
8 of the charges made and the time and place of the hearing; (ii)
9 direct the person to file ~~with the Board~~ a written answer under
10 oath to the charges within 20 days of receiving service of the
11 notice; and (iii) inform the person that, if the person fails
12 to file an answer to the charges within 20 days of receiving
13 service of the notice, default may be entered and the license
14 may be suspended, revoked, placed on probationary status, or
15 have other disciplinary action taken with regard to the
16 license as the Department may consider proper, including, but
17 not limited to, limiting the scope, nature, or extent of the
18 licensee's practice, or imposing a fine.

19 At the time and place of the hearing fixed in the notice,
20 the Department ~~Board~~ shall proceed to hear the charges, and
21 the person or person's counsel shall be accorded ample
22 opportunity to present any pertinent statements, testimony,
23 evidence, and arguments in the person's defense. The
24 Department ~~Board~~ may continue the hearing when it deems it
25 appropriate. If the person, after receiving the notice, fails
26 to file an answer, the license may, in the discretion of the

1 Department, be revoked, suspended, placed on probationary
2 status, or the Department may take whatever disciplinary
3 actions considered proper, including limiting the scope,
4 nature, or extent of the person's practice or the imposition
5 of a fine, without a hearing, if the act or acts charged
6 constitute sufficient grounds for that action under the Act.

7 Notice of the hearing may be served by certified mail, or,
8 at the discretion of the Department, by an electronic means to
9 the person's most recent ~~last known~~ address or email address
10 of record provided to the Department or, if in the course of
11 the administrative proceeding the party has previously
12 designated a specific email address at which to accept
13 electronic service for that specific proceeding, by sending a
14 copy by email to the party's email address on record.

15 (Source: P.A. 103-236, eff. 1-1-24.)

16 (225 ILCS 407/20-55)

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

18 Sec. 20-55. Appointment of a hearing officer. The
19 Secretary has the authority to appoint any attorney licensed
20 to practice law in the State of Illinois to serve as the
21 hearing officer in any action for refusal to issue, restore,
22 or renew a license or to discipline a licensee. The hearing
23 officer has full authority to conduct the hearing. Any Board
24 member may attend hearings. The hearing officer shall report
25 his or her findings of fact, conclusions of law, and

1 recommendations to the Board. The Board shall have 90 days
2 after the date of receipt of ~~review~~ the report of the hearing
3 officer to ~~and~~ present its findings of fact, conclusions of
4 law, and recommendations to the Secretary and to all parties
5 to the proceedings.

6 If the Secretary disagrees with the recommendations of the
7 Board or hearing officer, the Secretary may issue an order in
8 contravention of the ~~Board's~~ recommendations.

9 If the Board fails to present its findings of fact,
10 conclusions of law, and recommendations within the 90-day time
11 period, the Department may request in writing a direct appeal
12 to the Secretary and the Secretary may issue an order based
13 upon the report of the hearing officer and the record of the
14 proceedings or issue an order remanding the matter back to the
15 hearing officer for additional proceedings in accordance with
16 the order. If the Board fails to present its findings of fact,
17 conclusions of law, and recommendations within the 90-day time
18 period after receiving an Order of Default, the Department may
19 request in writing a direct appeal to the Secretary.

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

21 (225 ILCS 407/20-56)

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

23 Sec. 20-56. Board; rehearing. At the conclusion of the
24 hearing, a copy of the Board's report shall be served upon the
25 applicant, licensee, or unlicensed person by the Department,

1 either personally or as provided in this Act for the service of
2 a notice of hearing. Within 20 days after service, the person
3 ~~applicant or licensee~~ may present to the Department a motion
4 in writing for a rehearing, which shall specify the particular
5 grounds for rehearing. If no motion for rehearing is filed,
6 then upon the expiration of the time specified for filing such
7 a motion, or if a motion for rehearing is denied, then upon
8 denial, the Secretary may enter an order in accordance with
9 recommendations of the Board. If the applicant or licensee
10 orders from the reporting service and pays for a transcript of
11 the record within the time for filing a motion for rehearing,
12 the 20-day period within which a motion may be filed shall
13 commence upon the delivery of the transcript to the applicant
14 or licensee.

15 (Source: P.A. 101-345, eff. 8-9-19.)

16 (225 ILCS 407/25-110)

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

18 Sec. 25-110. Licensing of auction schools.

19 (a) Only an auction school licensed by the Department may
20 provide the continuing education courses required for
21 licensure under this Act.

22 (b) An auction school may also provide the course required
23 to obtain the real estate auction certification in Section
24 5-32 of the Real Estate License Act of 2000. The course shall
25 be approved by the Department upon the recommendation of the

1 Real Estate Administration and Disciplinary Board pursuant to
2 Section 25-10 of the Real Estate License Act of 2000.

3 (c) A person or entity seeking to be licensed as an auction
4 school under this Act shall provide satisfactory evidence of
5 the following:

6 (1) a sound financial base for establishing,
7 promoting, and delivering the necessary courses;

8 (2) a sufficient number of qualified instructors;

9 (3) adequate support personnel to assist with
10 administrative matters and technical assistance;

11 (4) a qualified school administrator, who is
12 responsible for the administration of the school, courses,
13 and the actions of the instructors;

14 (5) proof of good standing with the Secretary of State
15 and authority to conduct business in this State; and

16 (6) any other requirements provided by rule.

17 (d) All applicants for an auction school ~~schools~~ license
18 shall make an initial application to the Department in a
19 manner prescribed by the Department and pay the appropriate
20 fee as provided by rule. In addition to any other information
21 required to be contained in the application as prescribed by
22 rule, every application for an original or renewed license
23 shall include the applicant's Taxpayer Identification Number.
24 The term, expiration date, and renewal of an auction school
25 ~~schools~~ license shall be established by rule.

26 (e) An auction school shall provide each successful course

1 participant with a certificate of completion signed by the
2 school administrator. The format and content of the
3 certificate shall be specified by rule.

4 (f) All auction schools shall provide ~~to~~ the Department a
5 roster of all successful course participants as provided by
6 rule.

7 (Source: P.A. 103-236, eff. 1-1-24; revised 6-24-25.)

8 (225 ILCS 407/30-7)

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

10 Sec. 30-7. Department; powers and duties.

11 (a) The Department shall exercise the powers and duties
12 prescribed by the Civil Administrative Code of Illinois for
13 the administration of licensing acts and shall exercise such
14 other powers and duties as are prescribed by this Act. The
15 Department may contract with third parties for services
16 necessary for the proper administration of this Act.

17 (b) The Department shall have the authority to audit or
18 inspect any electronic or physical record, account, document,
19 book, form, or file required to be created or maintained by
20 this Act. The Department may adopt rules and establish
21 necessary requirements for the implementation of this
22 subsection (b).

23 (Source: P.A. 96-730, eff. 8-25-09.)

24 (225 ILCS 407/20-85 rep.)

1 Section 15. The Auction License Act is amended by
2 repealing Section 20-85.

3 Section 20. The Registered Interior Designers Act is
4 amended by changing Sections 3, 4, 4.5, 6, 7, 8, 9, 10, 11, 12,
5 14, 15, 18, 19, 27, and 30 as follows:

6 (225 ILCS 310/3) (from Ch. 111, par. 8203)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 3. Definitions. As used in this Act:

9 "Accredited institution" means an institution accredited
10 by the Council for Interior Design Accreditation, an
11 accreditation body recognized by the United States Department
12 of Education, or a curriculum or transcript approved by the
13 Board per a registration applicant's application.

14 "Address of record" means the designated address recorded
15 by the Department in the applicant's application file or the
16 registrant's registration file as maintained by the
17 Department's licensure maintenance unit.

18 "Board" means the Board of Registered Interior Design
19 Professionals established under Section 6 of this Act.

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Email address of record" means the designated email
23 address recorded by the Department in the applicant's
24 application file or the registrant's registration file as

1 maintained by the Department's licensure maintenance unit.

2 "Interior technical submissions" means the designs,
3 drawings, and specifications that establish the scope of the
4 interior design to be constructed, the standard of quality for
5 materials, workmanship, equipment, and construction systems,
6 and the studies and other technical reports and calculations
7 prepared in the course of the practice of registered interior
8 design.

9 "Practice of registered interior design" means the design
10 of interior spaces as a part of an interior alteration or
11 interior construction project in conformity with public
12 health, safety, and welfare requirements, including the
13 preparation of documents relating to building code
14 descriptions, project egress plans that require no increase in
15 capacity of exits in the space affected, space planning,
16 finish materials, furnishings, fixtures, equipment, and the
17 preparation of documents and interior technical submissions
18 relating to interior construction. "Practice of registered
19 interior design" does not include:

20 (1) The practice of structural engineering as defined
21 in the Structural Engineering Practice Act of 1989, the
22 practice of professional engineering as defined in the
23 Professional Engineering Practice Act of 1989, or the
24 practice of land surveying as defined in the Illinois
25 Professional Land Surveyor Act of 1989.

26 (2) Services that constitute the practice of

1 architecture as defined in the Illinois Architecture
2 Practice Act of 1989, except as provided in this Act.

3 (3) Altering or affecting the structural system of a
4 building, including changing the building's live or dead
5 load on the structural system.

6 (4) Changes to the building envelope, including
7 exterior walls, exterior wall coverings, exterior wall
8 openings, exterior windows and doors, architectural trim,
9 balconies and similar projections, bay and oriel windows,
10 roof assemblies and rooftop structures, and glass and
11 glazing for exterior use in both vertical and sloped
12 applications in buildings and structures.

13 (5) Altering or affecting the mechanical, plumbing,
14 heating, air conditioning, ventilation, electrical,
15 vertical transportation, fire sprinkler, or fire alarm
16 systems.

17 (6) Changes beyond the exit access component of a
18 means of egress system.

19 (7) Construction that materially affects life safety
20 systems pertaining to fire safety or the fire protection
21 of structural elements, or alterations to smoke evacuation
22 and compartmentalization systems or to fire-rated vertical
23 shafts in multistory structures.

24 (8) Changes of use to an occupancy of greater hazard
25 as determined by the International Building Code.

26 (9) Changes to the construction classification of the

1 building or structure according to the International
2 Building Code.

3 "Public member" means a person who is not a registered
4 interior designer, educator in the field, architect,
5 structural engineer, ~~or professional engineer. For purposes of~~
6 ~~board membership, any, or a person who does not have any with a~~
7 ~~significant~~ financial interest in ~~the~~ design or construction
8 services service or the design or construction professions
9 ~~profession is not a public member.~~

10 "Registered interior designer" means a person who has
11 received registration under Section 8 of this Act. A person
12 represents oneself ~~himself or herself~~ to be a "registered
13 interior designer" within the meaning of this Act by holding
14 oneself ~~if he or she holds himself or herself~~ out to the public
15 by any title incorporating the words "registered interior
16 designer" or any title that includes the words "registered
17 interior design".

18 "Responsible control" means the amount of control over
19 detailed professional knowledge of the content of interior
20 technical submissions during the preparation as is ordinarily
21 exercised by registered interior designers applying the
22 required professional standard of care. Merely reviewing or
23 reviewing and correcting an interior technical submission or
24 any portion thereof prepared by those not in the regular
25 employment of the office where the registered interior
26 designer is a resident without control over the content of

1 such work throughout its preparation does not constitute
2 responsible control.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation.

5 (Source: P.A. 102-20, eff. 1-1-22; 102-1066, eff. 1-1-23;
6 103-154, eff. 6-30-23.)

7 (225 ILCS 310/4) (from Ch. 111, par. 8204)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 4. Title; application of Act.

10 (a) No individual shall, without a valid registration as a
11 registered interior designer issued by the Department, in any
12 manner hold oneself ~~himself or herself~~ out to the public as a
13 registered interior designer or attach the title "registered
14 interior designer" or any other name or designation which
15 would in any way imply that the person ~~he or she~~ is able to use
16 the title "registered interior designer" as defined in this
17 Act.

18 (a-5) Nothing in this Act shall be construed as preventing
19 or restricting the services offered or advertised by an
20 interior designer who is registered under this Act.

21 (b) Nothing in this Act shall prevent the employment, by a
22 registered interior designer association, partnership, or a
23 corporation furnishing interior design services for
24 remuneration, of persons not registered as interior designers
25 to perform services in various capacities as needed, provided

1 that the persons do not represent themselves as, or use the
2 title of, "registered interior designer".

3 (c) Nothing in this Act shall be construed to limit the
4 activities and use of the title "interior designer" on the
5 part of a person not registered under this Act who is a
6 graduate of an interior design program and a full-time
7 employee of a duly chartered institution of higher education
8 insofar as such person engages in public speaking, with or
9 without remuneration, provided that such person does not
10 represent oneself ~~himself or herself~~ to be a registered
11 interior designer or use the title "registered interior
12 designer".

13 (d) Nothing contained in this Act shall restrict any
14 person not registered under this Act from carrying out any of
15 the activities listed in the definition of "practice of
16 registered interior design" ~~"the profession of interior~~
17 ~~design"~~ in Section 3 if such person does not represent oneself
18 ~~himself or herself~~ or the person's ~~his or her~~ services in any
19 manner prohibited by this Act.

20 (e) Nothing in this Act shall be construed as preventing
21 or restricting the practice, services, or activities of any
22 person licensed in this State under any other law from
23 engaging in the profession or occupation for which that person
24 ~~he or she~~ is licensed.

25 (f) Nothing in this Act shall be construed as preventing
26 or restricting the practice, services, or activities of

1 engineers licensed under the Professional Engineering Practice
2 Act of 1989 or the Structural Engineering Practice Act of
3 1989; architects licensed pursuant to the Illinois
4 Architectural Practice Act of 1989; any interior decorator or
5 individual offering interior decorating services including,
6 but not limited to, the selection of surface materials, window
7 treatments, wall coverings, furniture, accessories, paint,
8 floor coverings, and lighting fixtures; or builders, home
9 furnishings salespersons, and similar purveyors of related
10 goods and services ~~relating to homemaking~~.

11 (g) Nothing in this Act or any other Act shall prevent a
12 licensed architect from practicing interior design services.
13 Nothing in this Act shall be construed as requiring the
14 services of a registered interior designer for the interior
15 designing of a single family residence.

16 (h) Nothing in this Act shall authorize registered
17 interior designers to perform services, including life safety
18 services that they are prohibited from performing, or any
19 practice: (i) that is restricted in the Professional
20 Engineering Practice Act of 1989, the Professional Land
21 Surveyor Act of 1989, or ~~of~~ the Structural Engineering
22 Practice Act of 1989; (ii) that is restricted in the Illinois
23 Architecture Practice Act of 1989, except as provided in this
24 Act; or (iii) that they are not authorized to perform under the
25 Environmental Barriers Act, except as provided in this Act.

26 (i) Nothing in this Act shall authorize registered

1 interior designers to advertise services that they are
2 prohibited to perform, including architecture or engineering
3 services, nor to use the title "architect" in any form.

4 (j) Nothing in this Act shall be construed as preventing
5 or restricting persons from engaging in professional services
6 limited to the design of kitchen and bath spaces or the
7 specification of products for kitchen and bath areas in
8 noncommercial settings.

9 (Source: P.A. 102-20, eff. 1-1-22; 102-1066, eff. 1-1-23.)

10 (225 ILCS 310/4.5)

11 (Section scheduled to be repealed on January 1, 2027)

12 Sec. 4.5. Unregistered practice; violation; civil penalty.

13 (a) Any person who holds oneself ~~himself or herself~~ out to
14 be a registered interior designer without being registered
15 under this Act shall, in addition to any other penalty
16 provided by law, pay a civil penalty to the Department in an
17 amount not to exceed \$5,000 for each offense as determined by
18 the Department. The civil penalty shall be assessed by the
19 Department after a hearing is held in accordance with the
20 provisions set forth in this Act regarding the provision of a
21 hearing for the discipline of a registrant.

22 (b) The Department has the authority and power to
23 investigate any illegal use of the title of registered
24 interior designer.

25 (c) The civil penalty shall be paid within 60 days after

1 the effective date of the order imposing the civil penalty.
2 The order shall constitute a judgment and may be filed and
3 execution had thereon in the same manner as any judgment from
4 any court of record.

5 (Source: P.A. 102-20, eff. 1-1-22.)

6 (225 ILCS 310/6) (from Ch. 111, par. 8206)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 6. Board of Registered Interior Design Professionals.
9 The Secretary shall appoint a Board of Registered Interior
10 Design Professionals consisting of 5 members who shall serve
11 in an advisory capacity to the Secretary. All members of the
12 Board shall be residents of Illinois. Four members shall (i)
13 hold a valid registration as an interior designer in Illinois
14 and have held the registration under this Act for the
15 preceding 10 years; and (ii) not have been disciplined within
16 the preceding 10 years under this Act. In addition to the 4
17 registered interior designer members, there shall be one
18 public member. The public member shall be a voting member and
19 shall not be licensed or registered under this Act or any other
20 design profession licensing Act that the Department
21 administers.

22 Board members shall serve 5-year terms and until their
23 successors are appointed and qualified. In appointing members
24 to the Board, the Secretary shall give due consideration to
25 recommendations by members and organizations of the interior

1 design profession.

2 The membership of the Board should reasonably reflect
3 representation from the geographic areas in this State.

4 No member shall be reappointed to the Board for a term that
5 would cause his or her continuous service on the Board to be
6 longer than 2 consecutive 5-year terms.

7 Appointments to fill vacancies shall be made in the same
8 manner as original appointments for the unexpired portion of
9 the vacated term.

10 Three members of the Board shall constitute a quorum. A
11 quorum is required for Board decisions.

12 The Secretary may remove any member of the Board for cause
13 at any time. The Secretary shall be the sole arbiter of cause.
14 ~~misconduct, incompetence, or neglect of duty or for reasons~~
15 ~~prescribed by law for removal of State officials.~~

16 The Secretary may remove a member of the Board who does not
17 attend 2 consecutive meetings.

18 ~~Notice of proposed rulemaking may be transmitted to the~~
19 ~~Board and the Department may review the response of the Board~~
20 ~~and any recommendations made therein. The Department may, at~~
21 ~~any time, seek the expert advice and knowledge of the Board on~~
22 ~~any matter relating to the administration or enforcement of~~
23 ~~this Act.~~

24 Members of the Board are not liable for damages in any
25 action or proceeding as a result of activities performed as
26 members of the Board, except upon proof of actual malice.

1 Members of the Board shall be reimbursed for all
2 legitimate, necessary, and authorized expenses.

3 (Source: P.A. 102-20, eff. 1-1-22.)

4 (225 ILCS 310/7) (from Ch. 111, par. 8207)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 7. Board recommendations. The Secretary may ~~shall~~
7 consider the recommendations of the Board in establishing
8 guidelines for professional conduct, for the conduct of formal
9 disciplinary proceedings brought under this Act, and for
10 establishing guidelines for qualifications of applicants.
11 Notice of proposed rulemaking may be transmitted to the Board
12 and the Department shall review the response of the Board and
13 any recommendations made in their response. The Department, at
14 any time, may seek the expert advice and knowledge of the Board
15 on any matter relating to the administration or enforcement of
16 this Act.

17 (Source: P.A. 102-20, eff. 1-1-22.)

18 (225 ILCS 310/8) (from Ch. 111, par. 8208)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 8. Application requirements for registration.

21 (a) Each applicant for registration shall apply to the
22 Department in writing on a form or electronically as provided
23 by the Department. The Department may require an applicant, at
24 the applicant's expense, to have an evaluation of the

1 applicant's education in a foreign country by a nationally
2 recognized evaluation service approved by the Department in
3 accordance with the rules adopted by the Department. Except as
4 otherwise provided in this Act, each applicant shall take and
5 pass the examination approved by the Department. Prior to
6 registration, the applicant shall provide substantial evidence
7 to the Board that the applicant has completed the education
8 and work experience requirements to sit for the NCIDQ
9 examination administered by the Council for Interior Design
10 Qualification, has successfully passed the NCIDQ examination
11 ~~exam~~, has maintained an active NCIDQ certification, and:

12 (1) is a graduate of a 5-year interior design or
13 architecture program from an accredited institution and
14 has completed at least 2 years of full-time diversified
15 interior design experience;

16 (2) is a graduate of a 4-year interior design or
17 architecture program from an accredited institution and
18 has completed at least 2 years of full-time diversified
19 interior design experience;

20 (3) has completed at least 3 years of interior design
21 or architecture curriculum from an accredited institution
22 and has completed 3 years of full-time diversified
23 interior design experience; or

24 (4) is a graduate of a 2-year interior design or
25 architecture program from an accredited institution and
26 has completed 4 years of full-time diversified interior

1 design experience.

2 (b) (Blank). ~~In addition to providing evidence of meeting~~
3 ~~the requirements of subsection (a), each applicant for~~
4 ~~registration as a registered interior designer shall provide~~
5 ~~substantial evidence that the applicant has successfully~~
6 ~~completed the examination administered by the Council for~~
7 ~~Interior Design Qualification.~~

8 (b-5) Each applicant for registration shall pay to the
9 Department the required registration fee, which is not
10 refundable, at the time of filing the application.

11 (b-10) Each applicant for renewal or reinstatement of
12 registration under this Act shall have completed continuing
13 education as set forth by the Department by rule. The
14 Department shall consider the recommendations of the Board in
15 establishing requirements for continuing education
16 requirements but shall be no less than 10 hours of continuing
17 education in the areas of health, safety, and welfare every 2
18 years.

19 (c) Applicants have 3 years from the date of application
20 to complete the application process. If the process has not
21 been completed in 3 years, the application shall expire, the
22 fee shall be forfeited, and the applicant must reapply and
23 meet the requirements in effect at the time of reapplication.
24 ~~An individual may apply for original registration prior to~~
25 ~~passing the examination. The individual shall have 3 years~~
26 ~~after the date of filing an application to pass the~~

~~examination. If evidence and documentation of passing the examination are received by the Department later than 3 years after the individual's filing, the application shall be denied and the fee forfeited. The applicant may reapply at any time, but shall meet the requirements in effect at the time of reapplication.~~

(d) Upon payment of the required fee, which shall be determined by rule, an applicant who is an architect licensed under the laws of this State may, without examination, be granted registration as a registered interior designer by the Department provided the applicant submits proof of an active architectural license in Illinois.

(Source: P.A. 102-1066, eff. 1-1-23; 103-1044, eff. 1-1-25.)

(225 ILCS 310/9) (from Ch. 111, par. 8209)

(Section scheduled to be repealed on January 1, 2027)

Sec. 9. Expiration; renewal; restoration.

(a) The expiration date and renewal period for each certificate of registration issued under this Act shall be set by rule. A registrant may renew such registration during the month preceding its expiration date by paying the required renewal fee.

(b) Inactive status.

(1) Any registrant who notifies the Department in writing on forms prescribed by the Department may elect to place that person's ~~his or her~~ certificate of registration

1 on an inactive status and shall, subject to rules of the
2 Department, be excused from payment of renewal fees until
3 that person ~~he or she~~ notifies the Department in writing
4 of that person's ~~his or her~~ desire to resume active
5 status.

6 (2) Any registrant requesting restoration from
7 inactive status shall be required to pay the current
8 renewal fee and shall be required to restore the ~~his or her~~
9 registration.

10 (3) Any registrant whose registration is on inactive
11 status shall not use the title "registered interior
12 designer" in the State of Illinois.

13 (4) Any registrant who uses the title "registered
14 interior designer" while the registrant's ~~his or her~~
15 certificate of registration is lapsed or inactive shall be
16 considered to be using the title without a registration
17 which shall be grounds for discipline under Section 13 of
18 this Act.

19 (c) Any registrant whose registration has expired may have
20 the registrant's ~~his or her~~ certificate of registration
21 restored at any time within 5 years after its expiration, upon
22 making application to the Department and payment of the
23 required fee.

24 (d) Any registrant ~~person~~ whose registration has been
25 expired for more than 5 years may have the registrant's ~~his or~~
26 ~~her~~ registration restored by making application to the

1 Department and submitting ~~filing~~ proof acceptable to the
2 Department of the registrant's ~~his or her~~ fitness to have the
3 registrant's ~~his or her~~ registration restored, including, but
4 not limited to, sworn evidence certifying to active practice
5 in another jurisdiction satisfactory to the Department and
6 proof of completion of applicable continuing education,
7 ~~including sworn evidence certifying to active lawful practice~~
8 ~~in another jurisdiction,~~ and by paying the required
9 restoration fee. A person using the title "registered interior
10 designer" on an expired registration is deemed to be in
11 violation of this Act.

12 (e) If a person whose certificate of registration has
13 expired has not maintained active status in another
14 jurisdiction, the Department shall determine, by an evaluation
15 process established by rule, that person's ~~his or her~~ fitness
16 to resume active status, including by requiring ~~and may~~
17 ~~require~~ the person to complete a period of evaluated practical
18 experience, and also requiring ~~may require~~ successful
19 completion of an examination.

20 (f) Any person whose certificate of registration has
21 expired while that person ~~he or she~~ has been engaged (1) in
22 federal or State service active duty, or (2) in training or
23 education under the supervision of the United States
24 preliminary to induction into the military service, may have
25 that person's ~~his or her~~ registration restored without paying
26 any lapsed renewal or restoration fee if, within 2 years after

1 termination of such service, training or education, that
2 person ~~he or she~~ furnishes the Department with satisfactory
3 proof that the person ~~he or she~~ has been so engaged and that
4 the person's ~~his or her~~ service, training, or education has
5 been so terminated.

6 (g) An individual applying for restoration of a
7 registration shall have 3 years from the date of application
8 to complete the application process. If the process has not
9 been completed in 3 years, the application shall expire ~~be~~
10 ~~denied~~ and the fee forfeited. The applicant may reapply at any
11 time.

12 (Source: P.A. 100-920, eff. 8-17-18.)

13 (225 ILCS 310/10) (from Ch. 111, par. 8210)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 10. Endorsement.

16 (a) Upon payment of the required fee and the filing of an
17 application in writing on a form or electronically as provided
18 by the Department, an applicant who is an interior designer
19 currently registered, certified, or licensed under the laws of
20 another state or territory of the United States or a foreign
21 country or province shall, without further examination, be
22 granted registration as an interior designer by the Department
23 whenever the requirements of such state or territory of the
24 United States or a foreign country or province were, at the
25 date of registration, certification, or licensure,

1 substantially equal to or greater than the requirements then
2 in force in this State. The Department may adopt rules
3 governing recognition of education and legal practice of the
4 profession in another jurisdiction, requiring additional
5 education, and determining when an examination may be
6 required.

7 (b) If the accuracy of any submitted documentation or
8 relevance or sufficiency of the coursework or experience is
9 questioned by the Department or the Board because of a lack of
10 information, discrepancies, or conflicts in information given,
11 or a need for clarification, the applicant seeking
12 registration may be required to provide additional
13 information.

14 (c) Applicants have 3 years from the date of application
15 to complete the application process. If the process has not
16 been completed within the 3 years, then the application shall
17 expire ~~be denied~~, the fee shall be forfeited, and the
18 applicant must reapply and meet the requirements in effect at
19 the time of reapplication.

20 (Source: P.A. 103-1044, eff. 1-1-25.)

21 (225 ILCS 310/11) (from Ch. 111, par. 8211)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 11. Fees. The Department shall provide by rule for a
24 schedule of fees for the administration and enforcement of
25 this Act, including but not limited to original registration,

1 renewal, and restoration. The fees shall be nonrefundable.

2 ~~All fees collected under this Act shall be deposited into~~
3 ~~the General Professions Dedicated Fund and shall be~~
4 ~~appropriated to the Department for the ordinary and contingent~~
5 ~~expenses of the Department in the administration of this Act.~~

6 (Source: P.A. 102-20, eff. 1-1-22.)

7 (225 ILCS 310/12) (from Ch. 111, par. 8212)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 12. Returned checks; penalties. Any person who
10 delivers a check or other payment to the Department that is
11 returned to the Department unpaid by the financial institution
12 upon which it is drawn shall pay to the Department, in addition
13 to the amount already owed to the Department, a fine of \$50.
14 The fines imposed by this Section are in addition to any other
15 discipline provided under this Act for prohibited use of a
16 title without a registration or on a nonrenewed registration.
17 The Department shall notify the person that payment of fees
18 and fines shall be paid to the Department by certified check or
19 money order within 30 calendar days of the notification. If,
20 after the expiration of 30 days from the date of the
21 notification, the person has failed to submit the necessary
22 remittance, the Department shall automatically terminate the
23 registration or deny the application, without hearing. If,
24 after termination or denial, the person seeks registration,
25 the person ~~he or she~~ shall apply to the Department for

1 restoration or issuance of the registration and pay all fees
2 and fines due to the Department. The Department may establish
3 a fee for the processing of an application for restoration of a
4 certificate of registration to pay all expenses of processing
5 this application. The Director may waive the fines due under
6 this Section in individual cases where the Director finds that
7 the fines would be unreasonable or unnecessarily burdensome.

8 (Source: P.A. 92-146, eff. 1-1-02.)

9 (225 ILCS 310/14) (from Ch. 111, par. 8214)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 14. Investigations; Notice of hearing. Upon the
12 motion of either the Department or the Board, or upon the
13 verified complaint in writing of any person setting forth
14 facts which, if proven, would constitute grounds for refusal,
15 suspension, or revocation of registration under this Act, the
16 Board shall investigate the actions of any person, hereinafter
17 called the "registrant", who holds or represents that the
18 person ~~he~~ holds a certificate of registration. All such
19 motions or complaints shall be brought to the Board.

20 The Director shall, before suspending, revoking, placing
21 on probationary status, or taking any other disciplinary
22 action as the Director may deem proper with regard to any
23 registration, at least 30 days prior to the date set for the
24 hearing, notify the registrant in writing of any charges made
25 and the time and place for a hearing on the charges before the

1 Board. The Board shall also direct the registrant to file a ~~his~~
2 written answer to the charges with the Board under oath within
3 20 days after the service on the registrant ~~him~~ of such notice,
4 and inform the registrant ~~him~~ that if the registrant ~~he~~ fails
5 to file such answer, the registrant's ~~his~~ certificate of
6 registration may be suspended, revoked, placed on probationary
7 status or other disciplinary action may be taken with regard
8 thereto, as the Director may deem proper.

9 The written notice and any notice in such proceeding may
10 be served by delivery personally to the registrant, by email,
11 or by ~~registered or certified~~ mail to the address specified by
12 the registrant in the registrant's ~~his~~ last notification to
13 the Director.

14 The Department, at its expense, shall preserve a record of
15 all proceedings at the formal hearing of any case involving
16 the refusal to issue or renew a registration, or discipline of
17 a registrant. The notice of hearing, complaint, and all other
18 documents in the nature of pleadings and written motions filed
19 in the proceedings, the transcript of testimony, the report of
20 the Board, and the orders of the Department shall be the record
21 of such proceedings.

22 (Source: P.A. 102-20, eff. 1-1-22.)

23 (225 ILCS 310/15) (from Ch. 111, par. 8215)

24 (Section scheduled to be repealed on January 1, 2027)

25 Sec. 15. Disciplinary actions.

1 (a) In case the registrant, after receiving notice, fails
2 to file an answer, the registrant's ~~his~~ registration may, in
3 the discretion of the Director, having first received the
4 recommendation of the Board, be suspended, revoked, placed on
5 probationary status, or the Director may take whatever
6 disciplinary action the Director ~~he~~ may deem proper, including
7 the imposition of a fine, without a hearing, if the act or acts
8 charged constitute sufficient grounds for such action under
9 this Act.

10 (b) The Director may temporarily suspend the registration
11 of a registrant without a hearing, simultaneous to the
12 institution of proceedings for a hearing under this Act, if
13 the Director finds that evidence in the Director's ~~his~~
14 possession indicates that the person's continuation of use of
15 the title would constitute an immediate danger to the public.
16 In the event that the Director temporarily suspends the
17 registration of a registrant without a hearing, a hearing by
18 the Board must be held within 15 days after such suspension has
19 occurred and concluded without appreciable delay.

20 (Source: P.A. 88-650, eff. 9-16-94.)

21 (225 ILCS 310/18) (from Ch. 111, par. 8218)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 18. Recommendations for disciplinary action; Action
24 by Director. The Board may advise the Director that probation
25 be granted or that other disciplinary action, including the

1 limitation of the use of the title, be taken, as it deems
2 proper. If disciplinary action other than suspension or
3 revocation is taken, the Board may advise the Director to
4 impose reasonable limitations and requirements upon the
5 registrant to ensure ~~insure~~ compliance with the terms of the
6 probation or other disciplinary action, including, but not
7 limited to, regular reporting by the registrant to the
8 Director of the registrant's ~~his~~ actions, or the registrant
9 placing oneself ~~himself~~ under the care of a qualified
10 physician for treatment, or limiting the registrant's ~~his~~ use
11 of the title in such manner as the Director may require.

12 The Board shall present to the Director a written report
13 of its findings and recommendations. A copy of the report
14 shall be served upon the registrant, by email, ~~either~~
15 ~~personally,~~ or by ~~registered or certified~~ mail. Within 20 days
16 after such service, the registrant may present to the
17 Department the registrant's ~~his~~ motion in writing for a
18 rehearing, specifying the particular grounds for rehearing. If
19 the registrant orders and pays for a transcript of the record,
20 the time elapsing until the transcript is ready for delivery
21 to the registrant ~~him~~ shall not be counted as part of such 20
22 days.

23 At the expiration of the time allowed for filing a motion
24 for rehearing, the Director may take the action recommended by
25 the Board. Upon suspension, revocation, placement on
26 probationary status, or the taking of any other disciplinary

1 action, including the limiting of the use of the title, deemed
2 proper by the Director with regard to the registration, the
3 registrant shall surrender the ~~his~~ certificate of registration
4 to the Department if ordered to do so by the Department. Upon
5 the registrant's ~~his~~ failure or refusal to do so, the
6 Department may seize the certificate of registration.

7 In all instances in which the Board has rendered a
8 recommendation to the Director with respect to a particular
9 person, the Director shall, to the extent that the Director ~~he~~
10 disagrees with or takes action contrary to the recommendation
11 of the Board, file with the Board his specific written reasons
12 of disagreement. Such reasons shall be filed within 30 days
13 after the Director has taken the contrary position.

14 Each order of revocation, suspension, or other
15 disciplinary action shall contain a brief and concise
16 statement of the ground or grounds upon which the Department's
17 action is based, as well as the specific terms and conditions
18 of such action.

19 Whenever the Director is satisfied that substantial
20 justice has not been done either in an examination or in the
21 revocation, suspension, or refusal to issue a certificate of
22 registration, or other disciplinary action, the Director may
23 order a re-examination or rehearing.

24 (Source: P.A. 86-1404.)

1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 19. Hearing officer. The Director has the authority
3 to appoint any attorney duly licensed to practice law in the
4 State of Illinois to serve as the hearing officer for any
5 disciplinary action under this Act. The hearing officer shall
6 have full authority to conduct the hearing. The hearing
7 officer shall report the hearing officer's ~~his~~ findings and
8 recommendations to the Board and the Director. The Board shall
9 have 60 days from receipt of the report to review the report of
10 the hearing officer and present its findings of fact,
11 conclusions of law, and recommendations to the Director. If
12 the Board fails to present its report within the 60-day ~~60-day~~
13 period, the Director may issue an order based on the report of
14 the hearing officer. If the Director disagrees in any regard
15 with the Board's report, the Director ~~he~~ may issue an order in
16 contravention of the Board's report.

17 (Source: P.A. 86-1404.)

18 (225 ILCS 310/27) (from Ch. 111, par. 8227)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 27. Filing registration or diploma of another. Any
21 person filing, or attempting to file, as the person's ~~his~~ own
22 the diploma or registration of another, or a forged affidavit
23 of identification or qualification, is guilty of a Class 3
24 felony, and upon conviction is subject to such fine and
25 imprisonment as is made and provided by the statutes of this

1 State for the crime of forgery.

2 (Source: P.A. 86-1404.)

3 (225 ILCS 310/30) (from Ch. 111, par. 8230)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 30. Fund; appropriations; investments; audits. All of
6 the fees collected pursuant to this Act shall be deposited
7 into the Design Professionals Administration and Investigation
8 ~~General Professions Dedicated~~ Fund.

9 The moneys deposited into ~~in~~ the Design Professionals
10 Administration and Investigation ~~General Professions Dedicated~~
11 Fund may be used for the expenses of the Department in the
12 administration of this Act.

13 ~~Moneys from the Fund may also be used for direct and~~
14 ~~allocable indirect costs related to the public purposes of the~~
15 ~~Department of Professional Regulation. Moneys in the Fund may~~
16 ~~be transferred to the Professions Indirect Cost Fund as~~
17 ~~authorized by Section 2105 300 of the Department of~~
18 ~~Professional Regulation Law.~~

19 Upon the completion of any audit of the Department as
20 prescribed by the Illinois State Auditing Act that includes an
21 audit of the Design Professionals Administration and
22 Investigation ~~General Professions Dedicated~~ Fund, the
23 Department shall make the audit open to inspection by any
24 interested person. The copy of the audit report required to be
25 submitted to the Department by this Section is in addition to

1 copies of audit reports required to be submitted to other
2 State officers and agencies by Section 3-14 of the Illinois
3 State Auditing Act.

4 (Source: P.A. 102-20, eff. 1-1-22.)

5 Section 25. The Landscape Architecture Registration Act is
6 amended by changing Sections 10, 20, 23, 25, 30, 33, 34, 48,
7 50, 55, 60, 70, 80, 85, 95, and 110 as follows:

8 (225 ILCS 316/10)

9 (Section scheduled to be repealed on January 1, 2027)

10 Sec. 10. Definitions. For purposes of ~~As used in~~ this Act,
11 the following definitions shall have the following meanings,
12 except where the context requires otherwise:

13 "Address of record" means the designated address recorded
14 by the Department in the applicant's application file or
15 registrant's registration file as maintained by the
16 Department.

17 "Board" means the Registered Landscape Architecture
18 Registration Board.

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

21 "Email address of record" means the designated email
22 address of record by the Department in the applicant's
23 application file or registrant's registration file as
24 maintained by the Department's licensure maintenance unit

1 ~~Department.~~

2 "Landscape architecture" means the art and science of
3 arranging land, together with the spaces and objects upon it,
4 for the purpose of creating a safe, efficient, healthful, and
5 aesthetically pleasing physical environment for human use and
6 enjoyment, as performed by landscape architects.

7 "Landscape architectural practice" or "practice of
8 landscape architecture" means the offering or furnishing of
9 professional services in connection with a landscape
10 architecture project that do not require the seal of an
11 architect, land surveyor, professional engineer, or structural
12 engineer. These services may include, but are not limited to,
13 providing preliminary studies; developing design concepts;
14 planning for the relationships of physical improvements and
15 intended uses of the site, including the preparation and
16 filing of sketches, drawings, plans, and specifications;
17 establishing form and aesthetic elements; developing those
18 technical details on the site that are exclusive of any
19 building or structure; preparing and administering
20 ~~coordinating~~ technical submissions; and conducting site
21 observation of a landscape architecture project.

22 "Registered landscape architect" means a person who, based
23 on education, experience, and examination in the field of
24 landscape architecture, is registered under this Act.

25 "Secretary" means the Secretary of Financial and
26 Professional Regulation. The Secretary may designate the

1 Secretary's ~~his or her~~ duties under this Act to a designee of
2 the Secretary's ~~his or her~~ choice, including, but not limited
3 to, the Director of Professional Regulation.

4 (Source: P.A. 102-284, eff. 8-6-21; 103-309, eff. 1-1-24.)

5 (225 ILCS 316/20)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 20. Seal.

8 (a) Every registered landscape architect shall have a
9 reproducible seal, which may be computer generated, the
10 impression of which shall contain the name of the registered
11 landscape architect, the registered landscape architect's
12 registration number, and the words "Registered Landscape
13 Architect, State of Illinois". The registered landscape
14 architect shall be responsible for the registered landscape
15 architect's ~~his or her~~ seal and signature as defined by rule.

16 (b) Notwithstanding the requirements of this Section, an
17 architect, land surveyor, professional engineer, or structural
18 engineer licensed by the Department shall be permitted to
19 affix the architect's, land surveyor's, professional
20 engineer's, or structural engineer's ~~his or her~~ seal to any
21 plans, specifications, and reports prepared by or under his or
22 her supervision in connection with the incidental practice of
23 landscape architecture.

24 (c) For all plans, specifications, or other technical
25 submissions prepared or issued by the registered landscape

1 architect and filed for public record, the registered
2 landscape architect shall affix the registered landscape
3 architect's signature, current date, date of registration
4 expiration, and a form of seal as prescribed by rule.

5 (d) The registered landscape architect's signature, date,
6 and seal shall be evidence of the authenticity of that to which
7 the signature, date, and seal are affixed. Any and all
8 technical submissions may be transmitted electronically and
9 may be signed by the registered landscape architect, dated,
10 and sealed electronically with said seal.

11 (Source: P.A. 102-284, eff. 8-6-21.)

12 (225 ILCS 316/23)

13 (Section scheduled to be repealed on January 1, 2027)

14 Sec. 23. Technical submissions.

15 (a) As used in this Act ~~Section~~, "technical submissions"
16 includes the designs, drawings, plans, ~~and~~ specifications, and
17 reports that establish the scope of a landscape architecture
18 project; the standard of quality for materials, workmanship,
19 equipment, and systems; and the studies and other technical
20 reports and calculations prepared in the course of the
21 practice of landscape architecture.

22 (b) A registered landscape architect shall not exercise
23 authority in preparing technical submissions that require the
24 involvement of an architect, professional engineer, structural
25 engineer, or professional land surveyor licensed in Illinois.

1 (c) The registered landscape architect who has contract
2 responsibility shall seal a cover sheet of the technical
3 submissions and those individual portions of the technical
4 submissions for which the registered landscape architect is
5 legally and professionally responsible.

6 (Source: P.A. 102-284, eff. 8-6-21.)

7 (225 ILCS 316/25)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 25. Display of registration. Every holder of a
10 registered landscape architect registration shall display the
11 holder's ~~his or her~~ certificate of registration in a
12 conspicuous place in the holder's ~~his or her~~ principal office,
13 place of business, or place of employment.

14 (Source: P.A. 102-284, eff. 8-6-21.)

15 (225 ILCS 316/30)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 30. Address of record; email address of record. All
18 applicants and registrants shall:

19 (1) provide a valid address and email address to the
20 Department, which shall serve as the address of record and
21 email address of record, respectively, at the time of
22 application for registration or renewal of registration;
23 and

24 (2) inform the Department of any change of address of

1 record or email address of record within 14 days after the
2 ~~such~~ change, either through the Department's website or by
3 contacting the Department's licensure maintenance unit
4 ~~Department~~.

5 (Source: P.A. 102-284, eff. 8-6-21.)

6 (225 ILCS 316/33)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 33. Registered Landscape Architecture Registration
9 Board.

10 (a) The Secretary shall appoint a Registered Landscape
11 Architecture Registration Board. The Board shall consist of 5
12 persons who shall serve in an advisory capacity to the
13 Secretary. All members of the Board shall be residents of
14 Illinois. Four members shall be registered under this Act and
15 have not been disciplined within the last 10-year period under
16 this Act or the Illinois Landscape Architecture Act of 1989.
17 In addition to the 4 registered landscape architects, there
18 shall be one public member. The public member shall be a voting
19 member and shall not be registered under this Act or licensed
20 under any other design profession licensing Act that the
21 Department administers.

22 (b) Board members shall serve 5-year terms and until their
23 successors are appointed and qualified.

24 (c) In appointing members to the Board, the Secretary
25 shall give due consideration to recommendations by members and

1 organizations of the landscape architecture profession.

2 (d) The membership of the Board should reasonably reflect
3 representation from the geographic areas in this State.

4 (e) No member shall be reappointed to the Board for a term
5 that would cause the member's ~~his or her~~ continuous service on
6 the Board to be longer than 2 consecutive 5-year terms.

7 (f) An appointment to fill a vacancy for the unexpired
8 portion of the vacated term shall be made in the same manner as
9 an initial appointment.

10 (g) Three members shall constitute a quorum. A quorum is
11 required for Board decisions.

12 (h) The Secretary may terminate or refuse the appointment
13 of any member of the Board for cause that, in the opinion of
14 the Secretary, reasonably justified such termination, which
15 may include, but is not limited to, a Board member who does not
16 attend 2 consecutive meetings.

17 (i) Members of the Board may be reimbursed for all
18 legitimate, necessary, and authorized expenses.

19 (j) (Blank). ~~The Department may at any time seek the~~
20 ~~expert advice and knowledge of the Board on any matter~~
21 ~~relating to the enforcement of this Act.~~

22 (k) Members of the Board shall be immune from suit in any
23 action based upon any disciplinary proceedings or other acts
24 performed in good faith as members of the Board, unless the
25 conduct that gave rise to the suit was willful and wanton
26 misconduct.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/34)

(Section scheduled to be repealed on January 1, 2027)

Sec. 34. Powers and duties of the Board.

(a) The Board shall ~~meet~~ ~~hold~~ at least once per ~~one meeting~~ ~~each~~ year or as otherwise called by the Secretary, with any such meeting conducted in accordance with the Open Meetings Act.

(b) The Board shall annually elect a chairperson and a vice chairperson who shall be registered landscape architects.

(c) The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act, including, but not limited to, qualifications of applicants for registration.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/48)

Sec. 48. Endorsement.

(a) The Department may issue a registration as a landscape architect to an applicant who submits a valid application accompanied by the required fee and is a landscape architect licensed, ~~or~~ registered, certified, or otherwise authorized under the laws of another state, the District of Columbia, a territory of the United States, or a foreign country if the requirements for licensure, registration, ~~or~~ certification, or

1 authorization in that other jurisdiction were, on the date of
2 original licensure, registration, or certification,
3 substantially equivalent to the requirements then in force in
4 this State.

5 (b) An application for endorsement shall provide proof of
6 passage of an examination required for registration.

7 (c) If the accuracy of any submitted documentation or
8 relevance or sufficiency of the coursework or experience is
9 questioned by the Department or the Board because of a lack of
10 information, discrepancies, or conflicts in information given
11 or a need for clarification, the applicant seeking
12 registration may be required to provide additional
13 information.

14 (d) An applicant has 3 years from the date of application
15 to complete the application process. If the process has not
16 been completed in 3 years, the application shall be expired
17 ~~denied~~, the fee forfeited, and the applicant must reapply and
18 meet the requirements in effect at the time of reapplication.

19 (e) (Blank). ~~This Section is repealed on January 1, 2027.~~
20 (Source: P.A. 103-1044, eff. 1-1-25.)

21 (225 ILCS 316/50)

22 (Section scheduled to be repealed on January 1, 2027)

23 Sec. 50. Registration, renewal, and restoration.

24 (a) The expiration date and renewal period for each
25 certificate of registration issued under this Act shall be

1 established by rule. A registrant may renew a certificate of
2 registration during the month preceding its expiration date by
3 paying the required fee.

4 (b) A registered landscape architect who has permitted the
5 registered landscape architect's ~~his or her~~ registration to
6 expire or has had the registered landscape architect's ~~his or~~
7 ~~her~~ registration placed on inactive status may have the
8 registered landscape architect's ~~his or her~~ registration
9 restored by making application to the Department and filing
10 proof acceptable to the Department of the registered landscape
11 architect's ~~his or her~~ fitness to have the registered
12 landscape architect's ~~his or her~~ registration restored,
13 including, but not limited to, sworn evidence certifying
14 active lawful practice in another jurisdiction satisfactory to
15 the Department and by paying the required fee as determined by
16 rule.

17 (c) A registered landscape architect whose registration
18 expired while engaged (1) in federal service on active duty
19 with the Armed Forces of the United States or the State Militia
20 called into service or training or (2) in training or
21 education under the supervision of the United States
22 preliminary to induction into the military service, may have a
23 registration restored or reinstated without paying any lapsed
24 reinstatement, renewal, or restoration fees if, within 2 years
25 after termination, other than by dishonorable discharge, of
26 such service, training, or education, and the Department is

1 furnished with satisfactory evidence that the registrant has
2 been so engaged in the practice of landscape architecture and
3 that such service, training, or education has been so
4 terminated.

5 (Source: P.A. 102-284, eff. 8-6-21.)

6 (225 ILCS 316/55)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 55. Prior registrations under the Illinois Landscape
9 Architecture Act of 1989. A person who was actively registered
10 under the Illinois Landscape Architecture Act of 1989 and had
11 renewed the person's ~~his or her~~ registration before January 1,
12 2020, may have the person's ~~his or her~~ registration restored
13 without fee upon the effective date of the rules adopted under
14 this Act.

15 (Source: P.A. 102-284, eff. 8-6-21.)

16 (225 ILCS 316/60)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 60. Inactive status.

19 (a) A person registered under this Act who notifies the
20 Department in writing on forms or electronically as prescribed
21 by the Department may elect to place the person's ~~his or her~~
22 registration on inactive status and shall, subject to rules of
23 the Department, be excused from payment of renewal fees until
24 the person ~~he or she~~ notifies the Department in writing on

1 forms or electronically as prescribed by the Department of the
2 person's ~~his or her~~ desire to resume active status.

3 (b) Any registrant whose registration is on inactive
4 status shall not use the title "registered landscape
5 architect" or "landscape architect" in the State of Illinois.

6 (c) Any registrant who uses the title "registered
7 landscape architect" or "landscape architect" while the
8 registrant's ~~his or her~~ registration is inactive shall be
9 considered to be using the title without a registration that
10 shall be grounds for discipline under this Act.

11 (Source: P.A. 102-284, eff. 8-6-21.)

12 (225 ILCS 316/70)

13 (Section scheduled to be repealed on January 1, 2027)

14 Sec. 70. Disposition of funds. All ~~of the~~ fees collected
15 as authorized under this Act shall be deposited into the
16 Design Professionals Administration and Investigation General
17 Professions Dedicated Fund. The moneys deposited into the
18 Design Professionals Administration and Investigation General
19 Professions Dedicated Fund may be used for the expenses of the
20 Department in the administration of this Act. Moneys from the
21 Fund may also be used for direct and allocable indirect costs
22 related to the public purposes of the Department of Financial
23 and Professional Regulation. Moneys in the Fund may be
24 transferred to the Professions Indirect Cost Fund as
25 authorized by Section 2105-300 of the Department of

1 Professional Regulation Law of the Civil Administrative Code
2 of Illinois.

3 (Source: P.A. 102-284, eff. 8-6-21.)

4 (225 ILCS 316/80)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 80. Unauthorized practice; violation ~~Violation;~~
7 ~~injunction; cease and desist order; civil penalty.~~

8 (a) If any person violates the provisions of this Act, the
9 Secretary may, in the name of the People of the State of
10 Illinois, through the Attorney General of the State of
11 Illinois or the State's Attorney of any county in which the
12 action is brought, petition for an order enjoining such
13 violation and for an order enforcing compliance with this Act.
14 Upon the filing of a verified petition in court, the court may
15 issue a temporary restraining order, without notice or bond,
16 and may preliminarily and permanently enjoin such violation.
17 If it is established that such person has violated or is
18 violating the injunction, the Court may punish the offender
19 for contempt of court. Proceedings under this Section shall be
20 in addition to, and not in lieu of, all other remedies and
21 penalties provided by this Act.

22 (b) Whoever holds oneself ~~himself or herself~~ out as a
23 "registered landscape architect", "landscape architect", or
24 any other name or designation that would in any way imply that
25 the person ~~he or she~~ is able to use the title "registered

1 landscape architect" or "landscape architect" without being
2 registered under this Act shall be guilty of a Class A
3 misdemeanor, and for each subsequent conviction shall be
4 guilty of a Class 4 felony.

5 (c) Any person who holds oneself out as a "registered
6 landscape architect", "landscape architect", or any other name
7 or designation that would in any way imply that the person is
8 able to use the title "registered landscape architect" or
9 "landscape architect" shall, in addition to any other penalty
10 provided by law, pay a civil penalty to the Department in an
11 amount not to exceed \$10,000 for each offense, as determined
12 by the Department. The civil penalty shall be assessed by the
13 Department after a hearing is held in accordance with the
14 provisions set forth in this Act regarding the provision of a
15 hearing for the discipline of a licensee.

16 (d) The Department may investigate any actual, alleged, or
17 suspected unauthorized activity.

18 (e) The civil penalty shall be paid within 60 days after
19 the effective date of the order imposing the civil penalty.
20 The order shall constitute a judgment and may be filed and
21 executed thereon in the same manner as any judgment from any
22 court of record.

23 (f) Each day that a violation occurs constitutes a
24 separate offense. Any civil penalties imposed shall be payable
25 to the Department.

26 (Source: P.A. 102-284, eff. 8-6-21.)

1 (225 ILCS 316/85)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 85. Grounds for discipline.

4 (a) The Department may refuse to issue or to renew a
5 certificate of registration, or may revoke, suspend, place on
6 probation, reprimand, or take other disciplinary or
7 nondisciplinary action the Department may deem proper,
8 including fines not to exceed \$10,000 for each violation, with
9 regard to any certificate of registration issued under this
10 Act, for any one or combination of the following reasons:

11 (1) Material misstatement in furnishing information to
12 the Department.

13 (2) Negligent or intentional disregard of this Act or
14 rules adopted under this Act.

15 (3) Conviction of or plea of guilty or nolo
16 contendere, finding of guilt, jury verdict, or entry of
17 judgment or sentencing, including, but not limited to,
18 convictions, preceding sentences of supervision,
19 conditional discharge, or first offender probation under
20 the laws of any jurisdiction of the United States that is
21 (i) a felony, (ii) a misdemeanor, an essential element of
22 which is dishonesty, or (iii) any crime that is directly
23 related to the practice of landscape architecture.

24 (4) Making any misrepresentations for the purpose of
25 obtaining a certificate of registration.

1 (5) Professional incompetence or gross negligence in
2 the rendering of landscape architectural services.

3 (6) Aiding or assisting another person in violating
4 any provision of this Act or any rules and regulations
5 issued pursuant to this Act.

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

8 (8) Engaging in dishonorable, unethical, or
9 unprofessional conduct of a character likely to deceive,
10 defraud, or harm the public.

11 (9) Habitual or excessive use or abuse of drugs
12 defined by law as controlled substances, alcohol,
13 narcotics, stimulants, or any other substances that
14 results in the inability to practice with reasonable
15 judgment, skill, or safety.

16 (10) Discipline by another jurisdiction, if at least
17 one of the grounds for the discipline is the same or
18 substantially equivalent to those set forth in this
19 Section.

20 (11) Directly or indirectly giving to or receiving
21 from any person, firm, corporation, partnership, or
22 association any fee, commission, rebate, or other form of
23 compensation for any professional service not actually
24 rendered.

25 (12) A finding by the Department that the registrant,
26 after having the registration placed on probationary

1 status, has violated or failed to comply with the terms of
2 probation.

3 (13) A finding by the Department that the registrant
4 has failed to pay a fine imposed by the Department.

5 (14) Being named as a perpetrator in an indicated
6 report by the Department of Children and Family Services
7 under the Abused and Neglected Child Reporting Act, and
8 upon proof by clear and convincing evidence that the
9 registrant has caused a child to be an abused child or
10 neglected child as defined in the Abused and Neglected
11 Child Reporting Act.

12 (15) Solicitation of professional services by ~~using~~
13 ~~false or misleading~~ advertising in any manner that is
14 false, misleading, or deceptive.

15 (16) Inability to practice the profession with
16 reasonable judgment, skill, or safety as a result of
17 physical illness, including, but not limited to,
18 deterioration through the aging process, loss of motor
19 skill, mental illness, or disability.

20 (17) Using or attempting to use an expired, inactive,
21 suspended, ~~or~~ revoked, canceled, nonrenewed, or otherwise
22 inoperative registration, using ~~or~~ the seal of another
23 registrant, or impersonating another registrant.

24 (18) Signing, affixing, or allowing the registered
25 landscape architect's seal to be affixed to any plans not
26 prepared by the registered landscape architect or under

1 the registered landscape architect's supervision.

2 (19) Practicing, attempting to practice, or
3 advertising under a name other than the full name as shown
4 on the certificate of registration or any other legally
5 authorized name.

6 (20) Performing any act or practice that is a
7 violation of the Consumer Fraud and Deceptive Business
8 Practices Act.

9 (21) Treating any person differently to the person's
10 detriment because of the person's race, color, creed,
11 gender, age, religion, or national origin.

12 (22) Violating any final administrative order of the
13 Secretary.

14 (23) Gross and willful overcharging for professional
15 services, including filing false statements for the
16 collection of fees or moneys for which services are not
17 rendered.

18 (b) The Department may refuse to issue or may suspend the
19 registration of any person who fails to file a return, fails to
20 pay the tax, penalty, or interest showing in a filed return, or
21 fails to pay any final assessment of tax, penalty, or
22 interest, as required by any tax Act administered by the
23 Department of Revenue, until the requirements of any such tax
24 Act are satisfied.

25 (c) The determination or entry of a decree by any circuit
26 court establishing that any person holding a certificate of

1 registration under this Act is a person subject to involuntary
2 admission under the Mental Health and Developmental
3 Disabilities Code shall operate as a suspension of that
4 registration. That person may resume using the title
5 "registered landscape architect" or "landscape architect" only
6 upon a finding by the Department that the person ~~he or she~~ has
7 been determined to be no longer subject to involuntary
8 admission by the court and meeting the requirements for
9 restoration as required by this Act and its rules.

10 (Source: P.A. 102-284, eff. 8-6-21.)

11 (225 ILCS 316/95)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 95. Record of proceedings.

14 (a) The Department, at its expense, shall provide a
15 certified shorthand reporter to take down the testimony and
16 preserve a record of all proceedings in which a registrant may
17 have their registration revoked or suspended or in which the
18 registrant may be placed on probationary status, reprimanded,
19 fined, or subjected to other disciplinary action with
20 reference to the registration when a disciplinary action is
21 authorized under this Act and rules issued pursuant to this
22 Act. The notice of hearing, complaint, and all other documents
23 in the nature of pleadings and written motions filed in the
24 proceedings, the transcript of the testimony, and the orders
25 of the Department shall be the record of the proceedings. The

1 record may be made available to any person interested in the
2 hearing upon payment of the fee required by Section 2105-115
3 of the Department of Professional Regulation Law of the Civil
4 Administrative Code of Illinois.

5 (b) The Department may contract for court reporting
6 services, and, if it does so, the Department shall provide the
7 name and contact information for the certified shorthand
8 reporter who transcribed the testimony at a hearing to any
9 person interested, who may obtain a copy of the transcript of
10 any proceedings at a hearing upon payment of the fee specified
11 by the certified shorthand reporter.

12 (Source: P.A. 102-284, eff. 8-6-21.)

13 (225 ILCS 316/110)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 110. Hearing; motion for rehearing.

16 (a) The hearing officer appointed by the Secretary shall
17 hear evidence in support of the formal charges and evidence
18 produced by the registrant. At the conclusion of the hearing,
19 the hearing officer shall present to the Secretary a written
20 report of the hearing officer's ~~his or her~~ findings of fact,
21 conclusions of law, and recommendations.

22 (b) At the conclusion of the hearing, a copy of the hearing
23 officer's report shall be served upon the applicant or
24 registrant, either personally or as provided in this Act for
25 the service of the notice of hearing. Within 20 days after such

1 service, the applicant or registrant may present to the
2 Department a motion, in writing, for a rehearing which shall
3 specify the particular grounds for rehearing. The Department
4 may respond to the motion for rehearing within 20 days after
5 its service on the Department. If no motion for rehearing is
6 filed, then upon the expiration of the time specified for
7 filing such a motion, or upon denial of a motion for rehearing,
8 the Secretary may enter an order in accordance with the
9 recommendations of the hearing officer. If the applicant or
10 registrant orders from the reporting service and pays for a
11 transcript of the record within the time for filing a motion
12 for rehearing, the 20-day period within which a motion may be
13 filed shall commence upon delivery of the transcript to the
14 applicant or registrant.

15 (c) If the Secretary disagrees in any regard with the
16 report of the hearing officer, the Secretary may issue an
17 order contrary to the hearing officer's report.

18 (d) If the Secretary is not satisfied that substantial
19 justice has been done, the Secretary may order a hearing by the
20 same or another hearing officer.

21 (e) At any point in any investigation or disciplinary
22 proceeding provided for in this Act, both parties may agree to
23 a negotiated consent order. The consent order shall be final
24 upon signature of the Secretary.

25 (Source: P.A. 102-284, eff. 8-6-21.)

1 Section 30. The Community Association Manager Licensing
2 and Disciplinary Act is amended by changing Sections 10, 20,
3 40, 55, 60, 75, 85, 85.1, 86, 95, and 120 as follows:

4 (225 ILCS 427/10)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 10. Definitions. As used in this Act:

7 "Address of record" means the designated street address,
8 which may not be a post office box, recorded by the Department
9 in the applicant's or licensee's application file or license
10 file maintained by the Department.

11 "Advertise" means, but is not limited to, issuing or
12 causing to be distributed any card, sign or device to any
13 person; or causing, permitting or allowing any sign or marking
14 on or in any building, structure, newspaper, magazine or
15 directory, or on radio or television; or advertising by any
16 other means designed to secure public attention, including,
17 but not limited to, print, electronic, social media, and
18 digital forums.

19 "Board" means the Community Association Manager Licensing
20 and Disciplinary Board.

21 "Community association" means an association in which
22 membership is a condition of ownership or shareholder interest
23 of a unit in a condominium, cooperative, townhouse, villa, or
24 other residential unit which is part of a residential
25 development plan and that is authorized to impose an

1 assessment, rents, or other costs that may become a lien on the
2 unit or lot.

3 "Community association funds" means any assessments, fees,
4 fines, or other funds collected by the community association
5 manager from the community association, or its members, other
6 than the compensation paid to the community association
7 manager for performance of community association management
8 services.

9 "Community association management firm" means a company,
10 corporation, limited liability company, partnership, or other
11 entity that engages in community association management
12 services.

13 "Community association management services" means those
14 services listed in the definition of community association
15 manager in this Section.

16 "Community association manager" means an individual who:

17 (1) has an ownership interest in or is employed by a
18 community association management firm, or is directly
19 employed by or provides services as an independent
20 contractor to a community association; and

21 (2) administers for remuneration the financial,
22 administrative, maintenance, or other duties for the
23 community association, including the following services:

24 (A) collecting, controlling or disbursing funds of
25 the community association or having the authority to
26 do so;

1 (B) preparing budgets or other financial documents
2 for the community association;

3 (C) assisting in the conduct of community
4 association meetings;

5 (D) maintaining association records;

6 (E) administering association contracts or
7 procuring goods and services in accordance with the
8 declaration, bylaws, proprietary lease, declaration of
9 covenants, or other governing document of the
10 community association or at the direction of the board
11 of managers; and

12 (F) coordinating financial, administrative,
13 maintenance, or other duties called for in the
14 management contract, including individuals who are
15 direct employees of the community association.

16 ~~"Community association manager" does not mean support~~
17 ~~staff, including, but not limited to bookkeepers,~~
18 ~~administrative assistants, secretaries, property inspectors,~~
19 ~~or customer service representatives.~~

20 "Department" means the Department of Financial and
21 Professional Regulation.

22 "Designated community association manager" means a
23 licensed community association manager who: (1) has an
24 ownership interest in or is employed by a community
25 association management firm to act as a controlling person;
26 and (2) is the authorized signatory or has delegated signing

1 authority for the firm on community association accounts; and
2 (3) supervises, manages, and is responsible for the firm's
3 community association manager activities pursuant to Section
4 50 of this Act.

5 "Email address of record" means the designated email
6 address recorded by the Department in the applicant's
7 application file or the licensee's license file, as maintained
8 by the Department.

9 "License" means the privilege conferred by the Department
10 to a person that has fulfilled all requirements prerequisite
11 to any type of licensure under this Act.

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

13 "Person" means any individual, corporation, partnership,
14 limited liability company, or other legal entity.

15 "Secretary" means the Secretary of Financial and
16 Professional Regulation or the Secretary's designee.

17 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

18 (225 ILCS 427/20)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 20. Exemptions.

21 (a) The requirement for holding a license under this Act
22 shall not apply to any of the following:

23 (1) Any director or officer of a community association
24 providing one or more of the services of a community
25 association manager to a community association without

1 compensation for such services to the association.

2 (2) Any person providing one or more of the services
3 of a community association manager to a community
4 association of 10 units or less.

5 (3) A licensed attorney acting solely as an incident
6 to the practice of law.

7 (4) An individual acting as a receiver, trustee in
8 bankruptcy, administrator, executor, or guardian acting
9 under a court order or under the authority of a court.

10 (5) A person licensed in this State under any other
11 Act who engages in practices or activities specifically
12 authorized by the Act pursuant to which the license was
13 granted.

14 (6) An unlicensed owner who does not perform a
15 licensed activity and the unlicensed owner's support
16 staff, including, but not limited to bookkeepers,
17 administrative assistants, secretaries, property
18 inspectors, or customer service representatives.

19 (b) A licensed community association manager may not
20 perform or engage in any activities for which a real estate
21 managing broker, real estate broker, or residential leasing
22 agent license is required under the Real Estate License Act of
23 2000, unless the licensee also possesses a current and valid
24 license under the Real Estate License Act of 2000 and is
25 providing those services as provided for in the Real Estate
26 License Act of 2000 and the applicable rules.

1 (c) (Blank).

2 (Source: P.A. 102-20, eff. 1-1-22.)

3 (225 ILCS 427/40)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 40. Qualifications for licensure as a community
6 association manager.

7 (a) No person shall be qualified for licensure as a
8 community association manager under this Act unless the person
9 has applied in writing on the prescribed forms and has paid the
10 required, nonrefundable fees and has met all of the following
11 qualifications:

12 (1) Is at least 18 years of age.

13 (1.5) Successfully completed a 4-year course of study
14 in a high school, secondary school, or an equivalent
15 course of study approved by the state in which the school
16 is located, or possess a State of Illinois High School
17 Diploma, which shall be verified under oath by the
18 applicant.

19 (2) Provided satisfactory evidence of having completed
20 at least 20 classroom hours in community association
21 management courses approved by the Board.

22 (3) Passed an examination authorized by the
23 Department.

24 (4) Has not committed an act or acts, in this or any
25 other jurisdiction, that would be a violation of this Act.

1 (5) Is of good moral character. In determining moral
2 character under this Section, the Department may take into
3 consideration whether the applicant has engaged in conduct
4 or activities that would constitute grounds for discipline
5 under this Act. Good moral character is a continuing
6 requirement of licensure. Conviction of crimes may be used
7 in determining moral character, but shall not constitute
8 an absolute bar to licensure.

9 (6) (Blank). ~~Has not been declared by any court of~~
10 ~~competent jurisdiction to be incompetent by reason of~~
11 ~~mental or physical defect or disease, unless subsequently~~
12 ~~declared by a court to be competent.~~

13 (7) Complies with any additional qualifications for
14 licensure as determined by rule of the Department.

15 (b) (Blank).

16 (c) (Blank).

17 (d) Applicants have 3 years from the date of application
18 to complete the application process. If the process has not
19 been completed within the 3 years, the application shall be
20 denied, the fee shall be forfeited, and the applicant must
21 reapply and meet the requirements in effect at the time of
22 re-application.

23 (e) The Department shall not require applicants to report
24 the following information and shall not consider the following
25 criminal history records in connection with an application for
26 licensure:

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

5 (2) law enforcement records, court records, and
6 conviction records of an individual who was 17 years old
7 at the time of the offense and before January 1, 2014,
8 unless the nature of the offense required the individual
9 to be tried as an adult;

10 (3) records of arrest not followed by a charge or
11 conviction;

12 (4) records of arrest in which the charges were
13 dismissed unless related to the practice of the
14 profession; however, applicants shall not be asked to
15 report any arrests, and an arrest not followed by a
16 conviction shall not be the basis of a denial and may be
17 used only to assess an applicant's rehabilitation;

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

19 (6) convictions or arrests that have been sealed or
20 expunged.

21 (f) An applicant or licensee shall report to the
22 Department, in a manner prescribed by the Department, and
23 within 30 days after the occurrence if during the term of
24 licensure: (i) any conviction of or plea of guilty or nolo
25 contendere to forgery, embezzlement, obtaining money under
26 false pretenses, larceny, extortion, conspiracy to defraud, or

1 any similar offense or offenses or any conviction of a felony
2 involving moral turpitude; (ii) the entry of an administrative
3 sanction by a governmental ~~government~~ agency in this State or
4 any other jurisdiction that has as an essential element
5 dishonesty or fraud or involves larceny, embezzlement, or
6 obtaining money, property, or credit by false pretenses; or
7 (iii) any conviction of or plea of guilty or nolo contendere to
8 a crime that subjects the licensee to compliance with the
9 requirements of the Sex Offender Registration Act.

10 (Source: P.A. 102-20, eff. 1-1-22; 102-1100, eff. 1-1-23.)

11 (225 ILCS 427/55)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 55. Insurance ~~Fidelity—insurance~~; segregation of
14 accounts; records.

15 (a) The designated community association manager or the
16 community association management firm that employs the
17 designated community association manager shall not have access
18 to and disburse community association funds unless each of the
19 following conditions occur:

20 (1) There is fidelity or crime insurance in place to
21 insure against loss or theft of community association
22 funds.

23 (2) The fidelity or crime insurance is in the maximum
24 amount of coverage available to protect funds in the
25 custody or control of the designated community association

1 manager or community association management firm providing
2 service to the association.

3 Nothing in this Section shall require that fidelity
4 coverage be issued when a crime insurance policy with
5 equivalent or broader coverage is already in place.

6 (3) During the term and coverage period of the
7 insurance, the fidelity or crime insurance shall cover:

8 (A) the designated community association manager;

9 (B) the community association management firm;

10 (C) all community association managers;

11 (D) all partners, officers, and employees of the
12 community association management firm; and

13 (E) the community association officers, directors,
14 and employees.

15 (4) The insurance company issuing the fidelity or
16 crime insurance may not cancel or refuse to renew the
17 coverage bond without giving at least 10 days' prior
18 written notice.

19 (5) Unless an agreement between the community
20 association and the designated community association
21 manager or the community association management firm
22 provides to the contrary, a community association may
23 secure and pay for the fidelity or crime insurance
24 required by this Section. The designated community
25 association manager, all other licensees, and the
26 community association management firm must be named as

1 additional insured parties on the community association
2 policy. If the fidelity or crime insurance is not secured
3 and paid for by the association, the designated community
4 association manager or the community association
5 management firm that secures and pays for the insurance
6 shall provide a current certificate of fidelity or crime
7 insurance to the community association for which it
8 provides community association management services within
9 10 days of a request for such certificate by the community
10 association for its records.

11 (b) A community association management firm that provides
12 community association management services for more than one
13 community association shall maintain separate, segregated
14 accounts for each community association. The funds shall not,
15 in any event, be commingled with the funds of the community
16 association manager, the community association management
17 firm, or any other community association. The maintenance of
18 such accounts shall be custodial, and such accounts shall be
19 in the name of the respective community association.

20 (c) The designated community association manager or
21 community association management firm shall obtain the
22 appropriate general liability and errors and omissions
23 insurance, as determined by the Department, to cover any
24 losses or claims against a community association manager, the
25 designated community association manager, or the community
26 association management firm. The designated community

1 association manager or the community association management
2 firm shall provide a current certificate of general liability
3 and errors and omissions insurance to the community
4 association for which it provides community association
5 management services within 10 days of a request for such
6 certificate by the community association for its records.

7 (c-5) The Department shall have the authority to audit or
8 inspect any electronic or physical record, account, document,
9 book, form, or file required to be created or maintained by
10 this Act.

11 (d) The Department shall have authority to promulgate
12 additional rules regarding insurance, fidelity or crime
13 insurance, and all records and accounts required ~~maintained~~
14 ~~and~~ to be maintained by a community association manager,
15 designated community association manager, or community
16 association management firm.

17 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

18 (225 ILCS 427/60)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 60. Licenses; renewals; restoration; person in
21 military service.

22 (a) The expiration date, fees, and renewal period for each
23 license issued under this Act shall be set by rule. The
24 Department may promulgate rules requiring pre-license or
25 continuing education and set all necessary requirements for

1 such, including, but not limited to, fees, ~~approved~~
2 ~~coursework, number of hours, and waivers of continuing~~
3 ~~education.~~

4 (a-5) A community association manager whose license has
5 lapsed or expired may renew the license without examination
6 for a time period of up to 2 years following the expiration
7 date of the license. The licensee shall complete an
8 application to the Department, provide evidence of the
9 licensee's successful completion of all hours of approved
10 continuing education during the period of time the license had
11 lapsed, and pay all fees as required by rule.

12 (b) A community association manager whose license has been
13 lapsed or expired for more than 2 years but less than 5 years
14 following the expiration date of the license may restore the
15 license without examination by (i) applying to the Department,
16 (ii) providing evidence of the community association manager's
17 successful completion of all hours of approved continuing
18 education during the lapsed periods prior to the date of the
19 application, (iii) paying the required fees, and (iv)
20 satisfying any other requirements as established by rule. A
21 community association manager whose license has been expired
22 for more than 5 years shall be required to meet the
23 requirements of a new license. Any licensee who has an expired
24 license may have the license restored by applying to the
25 Department and filing proof acceptable to the Department of
26 fitness to have the expired license restored, which may

1 ~~include sworn evidence certifying to active practice in~~
2 ~~another jurisdiction satisfactory to the Department, complying~~
3 ~~with any continuing education requirements, and paying the~~
4 ~~required restoration fee.~~

5 (c) Any person whose license expired while (i) in federal
6 service on active duty with the Armed Forces of the United
7 States or called into service or training with the State
8 Militia, (ii) in training or education under the supervision
9 of the United States preliminary to induction into the
10 military service, or (iii) serving as an employee of the
11 Department may have the license renewed or restored without
12 paying any lapsed renewal fees and without completing the
13 continuing education requirements for that licensure period
14 if, within 2 years after honorable termination of the service,
15 training, or education, except under conditions ~~condition~~
16 other than honorable, the licensee furnishes the Department
17 with satisfactory evidence of engagement and that the service,
18 training, or education has been so honorably terminated.

19 (d) A community association manager or community
20 association management firm that notifies the Department, in a
21 manner prescribed by the Department, may place the license on
22 inactive status for a period not to exceed 2 years and shall be
23 excused from the payment of renewal fees until the person
24 notifies the Department in writing of the intention to resume
25 active practice.

26 (e) A community association manager or community

1 association management firm requesting that the license be
2 changed from inactive to active status shall be required to
3 pay the current renewal fee and shall also demonstrate
4 compliance with the continuing education requirements.

5 (f) No licensee with a nonrenewed or inactive license
6 status or community association management firm operating
7 without a designated community association manager shall
8 provide community association management services as set forth
9 in this Act.

10 (g) Any person violating subsection (f) of this Section
11 shall be considered to be practicing without a license and
12 will be subject to the disciplinary provisions of this Act.

13 (h) The Department shall not issue or renew a license if
14 the applicant or licensee has an unpaid fine or fee from a
15 disciplinary matter or from a non-disciplinary action imposed
16 by the Department until the fine or fee is paid to the
17 Department or the applicant or licensee has entered into a
18 payment plan and is current on the required payments.

19 (i) The Department shall not issue or renew a license if
20 the applicant or licensee has an unpaid fine or civil penalty
21 imposed by the Department for unlicensed practice until the
22 fine or civil penalty is paid to the Department or the
23 applicant or licensee has entered into a payment plan and is
24 current on the required payments.

25 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
26 103-236, eff. 1-1-24.)

1 (225 ILCS 427/75)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 75. Endorsement. The Department may issue a
4 community association manager license ~~without the required~~
5 ~~examination,~~ to an applicant licensed under the laws of
6 another state or jurisdiction without the required
7 examination. ~~if the requirements for licensure in that state~~
8 ~~are, on the date of licensure, substantially equal to the~~
9 ~~requirements of this Act or to a person who, at the time of~~
10 ~~application for licensure, possessed individual qualifications~~
11 ~~that were substantially equivalent to the requirements then in~~
12 ~~force in this State. An applicant under this Section shall pay~~
13 ~~all of the required fees.~~

14 An applicant under this Section shall pay all the required
15 fees and ~~All applicants under this Act~~ have 3 years from the
16 date of application to complete the application process. If
17 the process has not been completed within the 3 years, the
18 application shall be denied, the fee shall be forfeited, and
19 the applicant must reapply and meet the requirements in effect
20 at the time of reapplication.

21 (Source: P.A. 102-20, eff. 1-1-22.)

22 (225 ILCS 427/85)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 85. Grounds for discipline; refusal, revocation, or

1 suspension.

2 (a) The Department may refuse to issue or renew a license,
3 or may place on probation, reprimand, suspend, or revoke any
4 license, or take any other disciplinary or non-disciplinary
5 action as the Department may deem proper and impose a fine not
6 to exceed \$10,000 for each violation upon any licensee or
7 applicant under this Act or any person or entity who holds
8 oneself out as an applicant or licensee for any one or
9 combination of the following causes:

10 (1) Material misstatement in furnishing information to
11 the Department.

12 (2) Violations of this Act or its rules.

13 (3) Conviction of or entry of a plea of guilty or plea
14 of nolo contendere, as set forth in subsection (f) of
15 Section 40, to (i) a felony or a misdemeanor under the laws
16 of the United States, any state, or any other jurisdiction
17 or entry of an administrative sanction by a governmental
18 ~~government~~ agency in this State or any other jurisdiction
19 or (ii) a crime that subjects the licensee to compliance
20 with the requirements of the Sex Offender Registration
21 Act; or the entry of an administrative sanction by a
22 governmental ~~government~~ agency in this State or any other
23 jurisdiction.

24 (4) Making any misrepresentation for the purpose of
25 obtaining a license or violating any provision of this Act
26 or its rules.

1 (5) Professional incompetence.

2 (6) Gross negligence.

3 (7) Aiding or assisting another person in violating
4 any provision of this Act or its rules.

5 (8) Failing, within 30 days, to provide information in
6 response to a request made by the Department.

7 (9) Engaging in dishonorable, unethical, or
8 unprofessional conduct of a character likely to deceive,
9 defraud, or harm the public as defined by the rules of the
10 Department, or violating the rules of professional conduct
11 adopted by the Department.

12 (10) Habitual or excessive use or addiction to
13 alcohol, narcotics, stimulants, or any other chemical
14 agent or drug that results in the inability to practice
15 with reasonable judgment, skill, or safety, and which may
16 result in significant harm to the public.

17 (11) Having been disciplined by another state, the
18 District of Columbia, a territory, a foreign nation, or a
19 governmental agency authorized to impose discipline if at
20 least one of the grounds for the discipline is the same or
21 substantially equivalent of one of the grounds for which a
22 licensee may be disciplined under this Act. A certified
23 copy of the record of the action by the other state or
24 jurisdiction shall be prima facie evidence thereof.

25 (12) Directly or indirectly giving to or receiving
26 from any person, firm, corporation, partnership, or

1 association any fee, commission, rebate, or other form of
2 compensation for any services not actually or personally
3 rendered.

4 (13) A finding by the Department that the licensee,
5 after having the license placed on probationary status,
6 has violated the terms of probation.

7 (14) Willfully making or filing false records or
8 reports relating to a licensee's practice, including, but
9 not limited to, false records filed with any State or
10 federal agencies or departments.

11 (15) Being named as a perpetrator in an indicated
12 report by the Department of Children and Family Services
13 under the Abused and Neglected Child Reporting Act and
14 upon proof by clear and convincing evidence that the
15 licensee has caused a child to be an abused child or
16 neglected child as defined in the Abused and Neglected
17 Child Reporting Act.

18 (16) Physical illness or mental illness or impairment
19 that results in the inability to practice the profession
20 with reasonable judgment, skill, or safety.

21 (17) Solicitation of professional services by using
22 false or misleading advertising.

23 (18) A finding that licensure has been applied for or
24 obtained by fraudulent means.

25 (19) Practicing or attempting to practice under a name
26 other than the full name as shown on the license or any

1 other legally authorized name unless approved by the
2 Department.

3 (20) Gross overcharging for professional services
4 including, but not limited to, (i) collection of fees or
5 moneys for services that are not rendered; and (ii)
6 charging for services that are not in accordance with the
7 contract between the licensee and the community
8 association.

9 (21) Improper commingling of personal and client funds
10 in violation of this Act or any rules promulgated thereto.

11 (22) Failing to account for or remit any moneys or
12 documents coming into the licensee's possession that
13 belong to another person or entity.

14 (23) Giving differential treatment to a person that is
15 to that person's detriment on the basis of race, color,
16 sex, ancestry, age, order of protection status, marital
17 status, physical or mental disability, military status,
18 unfavorable discharge from military status, sexual
19 orientation, pregnancy, religion, or national origin.

20 (24) Performing and charging for services without
21 reasonable authorization to do so from the person or
22 entity for whom service is being provided.

23 (25) Failing to make available to the Department, upon
24 request, any books, records, or forms required by this
25 Act.

26 (26) Purporting to be a designated community

1 association manager of a firm without active participation
2 in the firm and having been designated as such.

3 (27) Failing to make available to the Department at
4 the time of the request any indicia of licensure issued
5 under this Act.

6 (28) Failing to maintain and deposit funds belonging
7 to a community association in accordance with subsection
8 (b) of Section 55 of this Act.

9 (29) Violating the terms of any order issued by the
10 Department.

11 (30) Operating a community association management firm
12 without a designated community association manager who
13 holds an active community association manager license.

14 (31) For a designated community association manager,
15 failing to meet the requirements for acting as a
16 designated community association manager.

17 (32) Failing to disclose to a community association
18 any compensation received by a licensee from a third party
19 in connection with or related to a transaction entered
20 into by the licensee on behalf of the community
21 association.

22 (33) Failing to disclose to a community association,
23 at the time of making the referral, that a licensee (A) has
24 greater than a 1% ownership interest in a third party to
25 which it refers the community association; or (B) receives
26 or may receive dividends or other profit sharing

1 distributions from a third party, other than a publicly
2 held or traded company, to which it refers the community
3 association.

4 (b) (Blank).

5 (c) The determination by a circuit court that a licensee
6 is subject to involuntary admission or judicial admission, as
7 provided in the Mental Health and Developmental Disabilities
8 Code, operates as an automatic suspension. The suspension will
9 terminate only upon a finding by a court that the patient is no
10 longer subject to involuntary admission or judicial admission
11 and the issuance of an order so finding and discharging the
12 patient, and upon the recommendation of the Board to the
13 Secretary that the licensee be allowed to resume practice as a
14 licensed community association manager.

15 (d) In accordance with subsection (g) of Section 2105-15
16 of the Department of Professional Regulation Law of the Civil
17 Administrative Code of Illinois ~~(20 ILCS 2105/2105-15)~~, the
18 Department may refuse to issue or renew or may suspend the
19 license of any person who fails to file a return, to pay the
20 tax, penalty, or interest shown in a filed return, or to pay
21 any final assessment of tax, penalty, or interest, as required
22 by any tax Act administered by the Department of Revenue,
23 until such time as the requirements of that tax Act are
24 satisfied.

25 (e) In accordance with subdivision (a)(5) of Section
26 2105-15 of the Department of Professional Regulation Law of

1 the Civil Administrative Code of Illinois ~~(20—ILCS~~
2 ~~2105/2105-15)~~ and in cases where the Department of Healthcare
3 and Family Services (formerly Department of Public Aid) has
4 previously determined that a licensee or a potential licensee
5 is more than 30 days delinquent in the payment of child support
6 and has subsequently certified the delinquency to the
7 Department, the Department may refuse to issue or renew or may
8 revoke or suspend that person's license or may take other
9 disciplinary action against that person based solely upon the
10 certification of delinquency made by the Department of
11 Healthcare and Family Services.

12 (f) (Blank).

13 (g) In accordance with subsection (g-5) of Section 2105-15
14 of the Department of Professional Regulation Law of the Civil
15 Administrative Code of Illinois, the Department may refuse to
16 issue or renew, suspend, or revoke, without a hearing, the
17 license of any person or entity who fails to pay or secure
18 workers' compensation obligations as determined by and based
19 solely upon the certification of the Department of Insurance
20 or the Illinois Workers' Compensation Commission.

21 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24.)

22 (225 ILCS 427/85.1)

23 (Section scheduled to be repealed on January 1, 2027)

24 Sec. 85.1. Citations.

25 (a) The Department may adopt rules to permit the issuance

1 of citations to any licensee for failure to comply with the
2 continuing education requirements set forth in this Act or as
3 established by rule. The citation shall be issued to the
4 licensee and a copy sent to the licensee's designated
5 community association manager, if any, and shall contain the
6 licensee's name, the licensee's address, the licensee's
7 license number, the number of required hours of continuing
8 education that have not been successfully completed on or
9 before ~~by the licensee's renewal deadline, licensee within the~~
10 ~~renewal period,~~ and the penalty imposed, which shall not
11 exceed \$2,000. The issuance of any such citation shall not
12 excuse the licensee from completing all continuing education
13 required for that term of licensure ~~renewal period~~.

14 (b) Service of a citation shall be made in person,
15 electronically, or by mail to the licensee at the licensee's
16 address of record or email address of record, and the citation
17 must clearly state that if the cited licensee wishes to
18 dispute the citation, the cited licensee may make a written
19 request, within 30 days after the citation is served, for a
20 hearing before the Department. If the cited licensee does not
21 request a hearing within 30 days after the citation is served,
22 then ~~the citation shall become~~ a final, non-disciplinary order
23 shall be entered, and any fine imposed is due and payable
24 within 30 ~~60~~ days after the entry of that final order. If the
25 cited licensee requests a hearing within 30 days after the
26 citation is served, the Department shall afford the cited

1 licensee a hearing conducted in the same manner as a hearing
2 provided for in this Act for any violation of this Act and
3 shall determine whether the cited licensee committed the
4 violation as charged and whether the fine as levied is
5 warranted. If the violation is found, any fine shall
6 constitute non-public discipline and be due and payable within
7 30 days after the order of the Secretary, which shall
8 constitute a final order of the Department. No change in
9 license status may be made by the Department until a final
10 order of the Department has been issued.

11 (c) Payment of a fine that has been assessed pursuant to
12 this Section shall not constitute disciplinary action
13 reportable on the Department's website or elsewhere unless a
14 licensee has previously received 2 or more citations and been
15 assessed 2 or more fines.

16 (d) Nothing in this Section shall prohibit or limit the
17 Department from taking further action pursuant to this Act and
18 rules for additional, repeated, or continuing violations.

19 (Source: P.A. 102-20, eff. 1-1-22.)

20 (225 ILCS 427/86)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 86. Illegal discrimination.

23 (a) When there has been an adjudication in a civil or
24 criminal proceeding that a community association manager or
25 community association management firm has illegally

1 discriminated while engaged in any activity for which a
2 license is required under this Act, the Department, following
3 the provision of notice to the licensee and a hearing
4 conducted in accordance with Section 95 and upon the
5 recommendation of the Board as to the extent of the suspension
6 or revocation, shall suspend or revoke the license of that
7 licensee in a timely manner, unless the adjudication is in the
8 appeal process. The finding or judgment of the civil or
9 criminal proceeding is a matter of record and the merits of the
10 finding or judgment shall not be challenged in a request for a
11 hearing by the licensee.

12 (b) When there has been an order in an administrative
13 proceeding finding that a licensee has illegally discriminated
14 while engaged in any activity for which a license is required
15 under this Act, the Department, following the provision of
16 notice to the licensee and a hearing conducted in accordance
17 with Section 95, and upon recommendation of the Board as to the
18 nature and extent of the discipline, shall take one or more of
19 the disciplinary actions provided for in Section 85 in a
20 timely manner, unless the administrative order is in the
21 appeal process. The finding of the administrative order is a
22 matter of record and the merits of the finding shall not be
23 challenged in a request for a hearing by the licensee.

24 (Source: P.A. 102-20, eff. 1-1-22.)

(Section scheduled to be repealed on January 1, 2027)

Sec. 95. Investigation; notice and hearing. The Department may investigate the actions or qualifications of a person, which includes an entity, applying for, holding or claiming to hold, or holding oneself out as having a license or rendering or offering to render services for which a license is required by this Act. The Department shall, before ~~Before~~ suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days before the date set for the hearing: ~~the Department shall~~ (i) notify the person charged and the person's designated community association manager, if any, in writing of any charges made and the time and place for a hearing on the charges ~~before the Board,~~ (ii) direct the person to file a written answer to the charges with the Board under oath within 20 days after the service on the person of such notice, and (iii) inform the person that, if the person fails to file an answer, default will be taken against the person and the license of the person may be suspended, revoked, placed on probationary status, or have other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of the person's ~~related~~ practice, as the Department may deem proper.

The Department shall serve notice under this Section by regular or electronic mail to the person's most recent ~~last~~

1 address of record or email address of record as provided to the
2 Department. ~~If the person fails to file an answer after~~
3 ~~receiving notice, the license may, in the discretion of the~~
4 ~~Department, be suspended, revoked, or placed on probationary~~
5 ~~status, or the Department may take whatever disciplinary~~
6 ~~action deemed proper, including limiting the scope, nature, or~~
7 ~~extent of the person's practice or the imposition of a fine,~~
8 ~~without a hearing, if the act or acts charged constitute~~
9 ~~sufficient grounds for such action under this Act.~~ The answer
10 shall be served by regular mail or electronic mail to the
11 Department. At the time and place fixed in the notice, the
12 Department shall proceed to hear the charges and the parties
13 or their counsel shall be accorded ample opportunity to
14 present such statements, testimony, evidence, and argument as
15 may be pertinent to the charges or to the defense thereto. The
16 Department may continue such hearing from time to time. If the
17 person fails to file an answer after receiving notice, the
18 license may, in the discretion of the Department, be
19 suspended, revoked, or placed on probationary status or the
20 Department may take whatever disciplinary action deemed
21 proper, including limiting the scope, nature, or extent of the
22 person's practice or the imposition of a fine, without a
23 hearing, if the act or acts charged constitute sufficient
24 grounds for such action under this Act.

25 At the discretion of the Secretary after having first
26 received the recommendation of the Board, the person's license

1 may be suspended, revoked, or placed on probationary status or
2 the Department may take whatever disciplinary action
3 considered proper, including limiting the scope, nature, or
4 extent of the person's practice or the imposition of a fine if
5 the act or acts charged constitute sufficient grounds for that
6 action under this Act. A copy of the Department's final
7 disciplinary order shall be delivered to the person's
8 designated community association manager or may be sent to the
9 community association that directly employs the person.

10 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24.)

11 (225 ILCS 427/120)

12 (Section scheduled to be repealed on January 1, 2027)

13 Sec. 120. Appointment of a hearing officer. The Secretary
14 has the authority to appoint any attorney duly licensed to
15 practice law in the State of Illinois to serve as the hearing
16 officer in any action for refusal to issue or renew a license,
17 or to discipline a licensee. The hearing officer has full
18 authority to conduct the hearing. The hearing officer shall
19 report the findings and recommendations to the Board and the
20 Secretary. ~~At its next meeting following receipt of the~~
21 ~~report, the Board shall review the report of the hearing~~
22 ~~officer and present its findings of fact, conclusions of law,~~
23 ~~and recommendations to the Secretary.~~

24 The Board shall have 90 days from receipt of the hearing
25 officer's report to review the report of the hearing officer

1 and present the Board's findings of fact, conclusions of law,
2 and recommendations to the Secretary. If the Board fails to
3 present its findings of fact, conclusions of law, and
4 recommendations within the 90-day time period, the Department
5 may request in writing a direct appeal to the Secretary and the
6 Secretary may issue an order based upon the report of the
7 hearing officer and the record of the proceedings or issue an
8 order remanding the matter back to the hearing officer for
9 additional proceedings in accordance with the order. If the
10 Board fails to present its findings of fact, conclusions of
11 law, and recommendations within a 90-day time period after
12 receiving an Order of Default, the Department may request in
13 writing a direct appeal to the Secretary to issue a final
14 order.

15 ~~If the Board fails to present its report within 30~~
16 ~~calendar days following its next meeting after receiving the~~
17 ~~report, the respondent may request in writing a direct appeal~~
18 ~~to the Secretary, in which case the Secretary shall, within 7~~
19 ~~calendar days after the request, issue an order directing the~~
20 ~~Board to issue its findings of fact, conclusions of law, and~~
21 ~~recommendations to the Secretary within 30 calendar days after~~
22 ~~such order.~~

23 ~~If the Board fails to issue its findings of fact,~~
24 ~~conclusions of law, and recommendations within that time frame~~
25 ~~to the Secretary after the entry of such order, the Secretary~~
26 ~~shall, within 30 calendar days thereafter, issue an order~~

1 ~~based upon the report of the hearing officer and the record of~~
2 ~~the proceedings or issue an order remanding the matter back to~~
3 ~~the hearing officer for additional proceedings in accordance~~
4 ~~with the order.~~

5 ~~If (i) a direct appeal is requested, (ii) the Board fails~~
6 ~~to issue its findings of fact, conclusions of law, and~~
7 ~~recommendations within the 30 day mandate from the Secretary~~
8 ~~or the Secretary fails to order the Board to do so, and (iii)~~
9 ~~the Secretary fails to issue an order within 30 calendar days~~
10 ~~thereafter, then the hearing officer's report is deemed~~
11 ~~accepted and a final decision of the Secretary.~~

12 Notwithstanding any other provision of this Section, if
13 the Secretary, upon review, determines that substantial
14 justice has not been done in the revocation, suspension, or
15 refusal to issue or renew a license or other disciplinary
16 action taken as the result of the entry of the hearing
17 officer's report, the Secretary may order a rehearing by the
18 same or other examiners. If the Secretary disagrees in any
19 regard with the recommendation of the Board or the hearing
20 officer, the Secretary may issue an order in contravention of
21 either recommendation.

22 (Source: P.A. 102-20, eff. 1-1-22.)

23 Section 35. The Detection of Deception Examiners Act is
24 amended by changing Sections 3, 8, 8.5, 11, 13, 14, 17, 19,
25 26.1, and 30 as follows:

1 (225 ILCS 430/3) (from Ch. 111, par. 2403)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 3. Every examiner shall use an instrument which
4 records permanently and simultaneously the subject's
5 cardiovascular, respiratory and galvanic skin response
6 patterns as minimum standards and shall base the ~~his or her~~
7 evaluation upon changes in such patterns. Such an instrument
8 may record additional physiological patterns pertinent to the
9 detection of deception. The examiner may also consider changes
10 in such additional patterns in making the ~~his or her~~
11 evaluations. An examiner shall, upon written request of a
12 person examined, make known the results of such test to the
13 person examined within 5 days of receipt of the written
14 request.

15 (Source: P.A. 97-168, eff. 7-22-11.)

16 (225 ILCS 430/8) (from Ch. 111, par. 2409)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 8. Applications for original licenses shall be made
19 to the Department in writing on forms prescribed by the
20 Department and shall be accompanied by the required fee, which
21 shall not be returnable. Any such application shall require
22 such information as in the judgment of the Department will
23 enable the Department to pass on the qualifications of the
24 applicant for a license.

1 If an applicant neglects, fails without an approved excuse
2 or refuses to take the next available examination for a
3 license under this Act, the fee paid by the applicant shall be
4 forfeited and the application denied. If an applicant fails to
5 pass an examination for a license under this Act within 3 years
6 after filing an ~~his or her~~ application, the application shall
7 be denied. However, such applicant may thereafter make a new
8 application for examination, accompanied by the required fee.
9 (Source: P.A. 97-168, eff. 7-22-11.)

10 (225 ILCS 430/8.5)

11 (Section scheduled to be repealed on January 1, 2027)

12 Sec. 8.5. Social Security Number or individual tax
13 identification number on license application. In addition to
14 any other information required to be contained in the
15 application, every application for an original license under
16 this Act shall include the applicant's Social Security Number
17 or individual taxpayer identification number, which shall be
18 retained in the agency's records pertaining to the license. As
19 soon as practical, the Department shall assign a customer's
20 identification number to each applicant for a license.

21 Every application for a renewal, reinstated, or restored
22 license shall require the applicant's customer identification
23 number.

24 (Source: P.A. 97-400, eff. 1-1-12.)

(225 ILCS 430/11) (from Ch. 111, par. 2412)

(Section scheduled to be repealed on January 1, 2027)

Sec. 11. Qualifications for licensure as an examiner. A person is qualified to receive a license as an examiner:

A. Who establishes that the person ~~he or she~~ is a person of good moral character; and

B. Who has passed an examination approved by the Department to determine the person's ~~his or her~~ competency to obtain a license to practice as an examiner; and

C. Who has been ~~had~~ conferred ~~upon him or her~~ an academic degree, at the baccalaureate level, from an accredited college or university; and

D. Who has satisfactorily completed 6 months of study in detection of deception, as prescribed by rule, which shall include, but not be limited to, course content, trainer qualifications, and specialized instructor qualifications.

In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession.

(Source: P.A. 97-168, eff. 7-22-11.)

(225 ILCS 430/13) (from Ch. 111, par. 2414)

(Section scheduled to be repealed on January 1, 2027)

1 Sec. 13. The expiration date and renewal period for each
2 license issued under this Act shall be set by rule. An examiner
3 whose license has expired may reinstate the ~~his or her~~ license
4 at any time within 5 years after the expiration thereof, by
5 making a renewal application therefor ~~therefore~~ and by paying
6 the required fee. However, any examiner whose license expired
7 while the examiner ~~he or she~~ was (1) in Federal Service on
8 active duty with the Armed Forces of the United States, or the
9 State Militia called into service or training, or (2) in
10 training or education under the supervision of the United
11 States preliminary to induction into the military service, may
12 have the ~~his or her~~ license renewed, reinstated or restored
13 without paying any lapsed renewal and restoration fees if
14 within 2 years after honorable termination of such service,
15 training, or education except under conditions other than
16 honorable, the examiner ~~he or she~~ furnishes the Department
17 with satisfactory evidence to the effect that the examiner ~~he~~
18 ~~or she~~ has been so engaged and that the examiner's ~~his or her~~
19 service, training, or education has been so terminated.

20 A license or duplicate license must be prominently
21 displayed at the principal place of business of every
22 examiner.

23 Notice in writing shall be given to the Department by such
24 license holder of any change of principal business location
25 whereupon, the Department shall issue a new license for the
26 unexpired period upon payment of the required fee. A change of

1 business location without notification to the Department and
2 without the issuance by it of a new license shall
3 automatically suspend the license theretofore issued.

4 (Source: P.A. 97-168, eff. 7-22-11.)

5 (225 ILCS 430/14) (from Ch. 111, par. 2415)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 14. (a) The Department may refuse to issue or renew or
8 may revoke, suspend, place on probation, reprimand, or take
9 other disciplinary or non-disciplinary action as the
10 Department may deem appropriate, including imposing fines not
11 to exceed \$10,000 for each violation, with regard to any
12 license for any one or a combination of the following:

13 (1) Material misstatement in furnishing information to
14 the Department.

15 (2) Violations of this Act, or of the rules adopted
16 under this Act.

17 (3) Conviction by plea of guilty or nolo contendere,
18 finding of guilt, jury verdict, or entry of judgment or by
19 sentencing of any crime, including, but not limited to,
20 convictions, preceding sentences of supervision,
21 conditional discharge, or first offender probation, under
22 the laws of any jurisdiction of the United States: (i)
23 that is a felony or (ii) that is a misdemeanor, an
24 essential element of which is dishonesty, or that is
25 directly related to the practice of the profession.

1 (4) Making any misrepresentation for the purpose of
2 obtaining licensure or violating any provision of this Act
3 or the rules adopted under this Act pertaining to
4 advertising.

5 (5) Professional incompetence.

6 (6) Allowing one's license under this Act to be used
7 by an unlicensed person in violation of this Act.

8 (7) Aiding or assisting another person in violating
9 this Act or any rule adopted under this Act.

10 (8) Where the license holder has been adjudged
11 mentally ill, mentally deficient or subject to involuntary
12 admission as provided in the Mental Health and
13 Developmental Disabilities Code.

14 (9) Failing, within 60 days, to provide information in
15 response to a written request made by the Department.

16 (10) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public.

19 (11) Inability to practice with reasonable judgment,
20 skill, or safety as a result of habitual or excessive use
21 or addiction to alcohol, narcotics, stimulants, or any
22 other chemical agent or drug.

23 (12) Discipline by another state, District of
24 Columbia, territory, or foreign nation, if at least one of
25 the grounds for the discipline is the same or
26 substantially equivalent to those set forth in this

1 Section.

2 (13) A finding by the Department that the licensee,
3 after having his or her license placed on probationary
4 status, has violated the terms of probation.

5 (14) Willfully making or filing false records or
6 reports in his or her practice, including, but not limited
7 to, false records filed with State agencies or
8 departments.

9 (15) Inability to practice the profession with
10 reasonable judgment, skill, or safety as a result of a
11 physical illness, including, but not limited to,
12 deterioration through the aging process or loss of motor
13 skill, or a mental illness or disability.

14 (16) Charging for professional services not rendered,
15 including filing false statements for the collection of
16 fees for which services are not rendered.

17 (17) Practicing under a false or, except as provided
18 by law, an assumed name.

19 (18) Fraud or misrepresentation in applying for, or
20 procuring, a license under this Act or in connection with
21 applying for renewal of a license under this Act.

22 (19) Cheating on or attempting to subvert the
23 licensing examination administered under this Act.

24 All fines imposed under this Section shall be paid within
25 60 days after the effective date of the order imposing the
26 fine.

1 (b) The Department may refuse to issue or may suspend
2 without hearing, as provided for in the Code of Civil
3 Procedure, the license of any person who fails to file a
4 return, or pay the tax, penalty, or interest shown in a filed
5 return, or pay any final assessment of the tax, penalty, or
6 interest as required by any tax Act administered by the
7 Illinois Department of Revenue, until such time as the
8 requirements of any such tax Act are satisfied in accordance
9 with subsection (g) of Section 2105-15 of the Civil
10 Administrative Code of Illinois.

11 (c) (Blank).

12 (d) In cases where the Department of Healthcare and Family
13 Services has previously determined a licensee or a potential
14 licensee is more than 30 days delinquent in the payment of
15 child support and has subsequently certified the delinquency
16 to the Department, the Department may refuse to issue or renew
17 or may revoke or suspend that person's license or may take
18 other disciplinary action against that person based solely
19 upon the certification of delinquency made by the Department
20 of Healthcare and Family Services in accordance with item (5)
21 of subsection (a) of Section 2105-15 of the Civil
22 Administrative Code of Illinois.

23 (e) The determination by a circuit court that a licensee
24 is subject to involuntary admission or judicial admission, as
25 provided in the Mental Health and Developmental Disabilities
26 Code, operates as an automatic suspension. The suspension will

1 end only upon a finding by a court that the patient is no
2 longer subject to involuntary admission or judicial admission
3 and the issuance of an order so finding and discharging the
4 patient.

5 (f) In enforcing this Act, the Department, upon a showing
6 of a possible violation, may compel an individual licensed to
7 practice under this Act, or who has applied for licensure
8 under this Act, to submit to a mental or physical examination,
9 or both, as required by and at the expense of the Department.
10 The Department may order the examining physician to present
11 testimony concerning the mental or physical examination of the
12 licensee or applicant. No information shall be excluded by
13 reason of any common law or statutory privilege relating to
14 communications between the licensee or applicant and the
15 examining physician. The examining physicians shall be
16 specifically designated by the Department. The individual to
17 be examined may have, at the individual's ~~his or her~~ own
18 personal expense, another physician of the individual's ~~his or~~
19 ~~her~~ choice present during all aspects of this examination. The
20 examination shall be performed by a physician licensed to
21 practice medicine in all its branches. Failure of an
22 individual to submit to a mental or physical examination, when
23 directed, shall result in an automatic suspension without
24 hearing.

25 A person holding a license under this Act or who has
26 applied for a license under this Act who, because of a physical

1 or mental illness or disability, including, but not limited
2 to, deterioration through the aging process or loss of motor
3 skill, is unable to practice the profession with reasonable
4 judgment, skill, or safety, may be required by the Department
5 to submit to care, counseling, or treatment by physicians
6 approved or designated by the Department as a condition, term,
7 or restriction for continued, reinstated, or renewed licensure
8 to practice. Submission to care, counseling, or treatment as
9 required by the Department shall not be considered discipline
10 of a license. If the licensee refuses to enter into a care,
11 counseling, or treatment agreement or fails to abide by the
12 terms of the agreement, the Department may file a complaint to
13 revoke, suspend, or otherwise discipline the license of the
14 individual. The Secretary may order the license suspended
15 immediately, pending a hearing by the Department. Fines shall
16 not be assessed in disciplinary actions involving physical or
17 mental illness or impairment.

18 In instances in which the Secretary immediately suspends a
19 person's license under this Section, a hearing on that
20 person's license must be convened by the Department within 15
21 days after the suspension and completed without appreciable
22 delay. The Department shall have the authority to review the
23 subject individual's record of treatment and counseling
24 regarding the impairment to the extent permitted by applicable
25 federal statutes and regulations safeguarding the
26 confidentiality of medical records.

1 An individual licensed under this Act and affected under
2 this Section shall be afforded an opportunity to demonstrate
3 to the Department that ~~he or she can resume~~ practice may resume
4 in compliance with acceptable and prevailing standards under
5 the provisions of the ~~his or her~~ license.

6 (Source: P.A. 100-872, eff. 8-14-18.)

7 (225 ILCS 430/17) (from Ch. 111, par. 2418)

8 (Section scheduled to be repealed on January 1, 2027)

9 Sec. 17. Investigations; notice and hearing. The
10 Department may investigate the actions of any applicant or any
11 person or persons rendering or offering to render detection of
12 deception services or any person holding or claiming to hold a
13 license as a licensed examiner. The Department shall, before
14 refusing to issue or renew a license or to discipline a
15 licensee under Section 14, at least 30 days prior to the date
16 set for the hearing, (i) notify the accused in writing of the
17 charges made and the time and place for the hearing on the
18 charges, (ii) direct the accused ~~him or her~~ to file a written
19 answer with the Department under oath within 20 days after the
20 service of the notice, and (iii) inform the accused ~~applicant~~
21 ~~or licensee~~ that failure to file an answer will result in
22 default. ~~being taken against the applicant or licensee.~~ At the
23 time and place fixed in the notice, the Department shall
24 proceed to hear the charges and the parties or their counsel
25 shall be accorded ample opportunity to present any pertinent

1 statements, testimony, evidence, and arguments. The Department
2 may continue the hearing from time to time. In case the accused
3 ~~person~~, after receiving the notice, fails to file an answer,
4 the ~~his or her~~ license, may, in the discretion of the
5 Department, be revoked, suspended, placed on probationary
6 status, or the Department may take whatever disciplinary
7 action considered proper, including limiting the scope,
8 nature, or extent of the accused's ~~person's~~ practice or the
9 imposition of a fine, without a hearing, if the act or acts
10 charged constitute sufficient grounds for that action under
11 the Act. The written notice may be served by email, by personal
12 delivery, or by mail to the accused's address of record.

13 (Source: P.A. 102-20, eff. 1-1-22.)

14 (225 ILCS 430/19) (from Ch. 111, par. 2420)

15 (Section scheduled to be repealed on January 1, 2027)

16 Sec. 19. Subpoenas; depositions; oaths.

17 (a) The Department may subpoena and bring before it any
18 person to take the oral or written testimony or compel the
19 production of any books, papers, records, or any other
20 documents that the Secretary or Secretary's ~~his or her~~
21 designee deems relevant or material to any investigation or
22 hearing conducted by the Department with the same fees and in
23 the same manner as prescribed in civil cases in the courts of
24 this State.

25 (b) Any circuit court, upon the application of the

1 licensee or the Department, may order the attendance and
2 testimony of witnesses and the production of relevant
3 documents, files, records, books, and papers in connection
4 with any hearing or investigation. The circuit court may
5 compel obedience to its order by proceedings for contempt.

6 (c) The Secretary, the hearing officer, any member of the
7 Board, or a certified shorthand court reporter may administer
8 oaths at any hearing the Department conducts. Notwithstanding
9 any other statute or Department rule to the contrary, all
10 requests for testimony, production of documents, or records
11 shall be in accordance with this Act.

12 (Source: P.A. 97-168, eff. 7-22-11.)

13 (225 ILCS 430/26.1) (from Ch. 111, par. 2427.1)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 26.1. Returned checks; fines. Any person who delivers
16 a check or other payment to the Department that is returned to
17 the Department unpaid by the financial institution upon which
18 it is drawn shall pay to the Department, in addition to the
19 amount already owed to the Department, a fine of \$50. The fines
20 imposed by this Section are in addition to any other
21 discipline provided under this Act for unlicensed practice or
22 practice on a nonrenewed license. The Department shall notify
23 the person that payment of fees and fines shall be paid to the
24 Department by certified check or money order within 30
25 calendar days of the notification. If, after the expiration of

1 30 days from the date of the notification, the person has
2 failed to submit the necessary remittance, the Department
3 shall automatically terminate the license or certificate or
4 deny the application, without hearing. If, after termination
5 or denial, the person seeks a license or certificate, the
6 person ~~he or she~~ shall apply to the Department for restoration
7 or issuance of the license or certificate and pay all fees and
8 fines due to the Department. The Department may establish a
9 fee for the processing of an application for restoration of a
10 license or certificate to pay all expenses of processing this
11 application. The Secretary may waive the fines due under this
12 Section in individual cases where the Secretary finds that the
13 fines would be unreasonable or unnecessarily burdensome.

14 (Source: P.A. 97-168, eff. 7-22-11.)

15 (225 ILCS 430/30) (from Ch. 111, par. 2431)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 30. An applicant who is an examiner ~~Examiner~~,
18 licensed under the laws of another state or territory of the
19 United States, or an examiner who has been trained under the
20 training standards determined by the federal government, may
21 be issued a license by the Department, in its discretion, upon
22 payment of a fee as set by rule, and the production of:

23 (a) satisfactory proof ~~that he or she is~~ of good moral
24 character; and

25 (b) satisfactory proof that the requirements for the

1 licensing of examiner ~~Examiners~~ in such particular state
2 or territory of the United States were, at the date of
3 licensing, substantially equivalent to the requirements
4 then in force in this State; or

5 (c) certification, if applicable, that the applicant
6 has successfully completed the Defense Academy for
7 Credibility Assessment course, or its predecessor or
8 successor course.

9 (Source: P.A. 97-168, eff. 7-22-11.)

10 Section 40. The Home Inspector License Act is amended by
11 changing Sections 1-10, 5-5, 5-12, 5-16, 5-20, 15-10, 15-10.1,
12 15-11, and 15-15 as follows:

13 (225 ILCS 441/1-10)

14 (Section scheduled to be repealed on January 1, 2027)

15 Sec. 1-10. Definitions. As used in this Act, unless the
16 context otherwise requires:

17 "Address of record" means the designated street address,
18 which may not be a post office box, recorded by the Department
19 in the applicant's or licensee's application file or license
20 file as maintained by the Department.

21 "Applicant" means a person who applies to the Department
22 for a license under this Act.

23 "Client" means a person who engages or seeks to engage the
24 services of a home inspector for an inspection assignment.

1 "Department" means the Department of Financial and
2 Professional Regulation.

3 "Email address of record" means the designated email
4 address recorded by the Department in the applicant's
5 application file or the licensee's license file, as maintained
6 by the Department.

7 "Home inspection" means the examination and evaluation of
8 the exterior and interior components of residential real
9 property, which includes the inspection of any 2 or more of the
10 following components of residential real property in
11 connection with or to facilitate the sale, lease, or other
12 conveyance of, or the proposed sale, lease or other conveyance
13 of, residential real property:

14 (1) heating, ventilation, and air conditioning system;

15 (2) plumbing system;

16 (3) electrical system;

17 (4) structural composition;

18 (5) foundation;

19 (6) roof;

20 (7) masonry structure; or

21 (8) any other residential real property component as
22 established by rule.

23 "Home inspector" means a person or entity who, for another
24 and for compensation either direct or indirect, performs home
25 inspections.

26 "Home inspector entity" means any corporation,

1 partnership, or limited liability company that provides home
2 inspection services.

3 "Home inspection report" or "inspection report" means a
4 written evaluation prepared and issued by a home inspector
5 upon completion of a home inspection, which meets the
6 standards of practice as established by the Department.

7 "Inspection assignment" means an engagement for which a
8 home inspector is employed or retained to conduct a home
9 inspection and prepare a home inspection report.

10 "License" means the privilege conferred by the Department
11 to a person who has fulfilled all requirements prerequisite to
12 any type of licensure under this Act.

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

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

19 "Residential real property" means real property that is
20 used or intended to be used as a residence by one or more
21 individuals.

22 "Secretary" means the Secretary of Financial and
23 Professional Regulation or the Secretary's designee.

24 "Standards of practice" means recognized standards to be
25 used in a home inspection, as determined by the Department and
26 established by rule.

1 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

2 (225 ILCS 441/5-5)

3 (Section scheduled to be repealed on January 1, 2027)

4 Sec. 5-5. Necessity of license; use of title; exemptions.

5 (a) It is unlawful for any person, including any entity,
6 to act or assume to act as a home inspector, to engage in the
7 business of home inspection, to develop a home inspection
8 report, to practice as a home inspector, or to advertise or
9 hold oneself out to be a home inspector without a home
10 inspector license issued under this Act. A person who violates
11 this subsection is guilty of a Class A misdemeanor for the
12 first offense and a Class 4 felony for the second and any
13 subsequent offenses.

14 (b) It is unlawful for any person, other than a person who
15 holds a valid home inspector license issued pursuant to this
16 Act, to use the title "home inspector" or any other title,
17 designation, or abbreviation likely to create the impression
18 that the person is licensed as a home inspector pursuant to
19 this Act. A person who violates this subsection is guilty of a
20 Class A misdemeanor.

21 (c) The licensing requirements of this Article do not
22 apply to:

23 (1) any person who is employed as a code enforcement
24 official by the State of Illinois or any unit of local
25 government, while acting within the scope of that

government employment;

(2) any person licensed in this State by any other law who is engaging in the profession or occupation for which the person is licensed; or

(3) any person engaged by the owner or lessor of residential real property for the purpose of preparing a bid or estimate as to the work necessary or the costs associated with performing home construction, home remodeling, or home repair work on the residential real property, provided such person does not advertise or hold oneself out as engaged in business as a home inspector.

(d) The licensing of home inspector entities required under this Act does not apply to an entity whose ownership structure is one licensed home inspector operating either (1) a sole proprietorship, a single member limited liability company, or a single shareholder corporation, or (2) a limited liability company, corporation, or partnership co-owned solely with the home inspector's unlicensed spouse. ~~and that~~ The home inspector owner or operator shall be ~~is~~ the only licensee ~~licensed home inspector~~ performing inspections on the entity's behalf and the. ~~The licensed home inspector who is the sole proprietor, sole shareholder, or single member of the company~~ ~~or~~ entity shall comply with all other provisions of this Act.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 441/5-12)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5-12. Application for home inspector license; entity.
Every entity that is not a natural person that desires to obtain a home inspector license shall apply to the Department in a manner prescribed by the Department and accompanied by the required fee.

Applicants have 3 years after the date of the application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

A corporation, limited liability company, partnership, or entity shall, as a condition of licensure, designate a managing licensed home inspector. The home inspector entity and the designated managing home inspector of that ~~any home inspector~~ entity shall be responsible for the actions of all licensed and unlicensed employees, agents, and representatives of that home inspector entity that provides ~~while it is providing~~ a home inspection or home inspection service. All other requirements for home inspector entities shall be established by rule.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 441/5-16)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5-16. Renewal of license.

1 (a) The expiration date and renewal period for a home
2 inspector license issued under this Act shall be set by rule.
3 Except as otherwise provided in subsections (b) and (c) of
4 this Section, the holder of a license may renew the license
5 within 90 days preceding the expiration date by:

6 (1) completing and submitting to the Department a
7 renewal application in a manner prescribed by the
8 Department;

9 (2) paying the required fees; and

10 (3) providing evidence of successful completion of the
11 continuing education requirements through courses approved
12 by the Department given by education providers licensed by
13 the Department, as established by rule.

14 (b) A home inspector whose license under this Act has
15 expired may renew the license for a period of 2 years following
16 the expiration date by complying with the requirements of
17 subparagraphs (1), (2), and (3) of subsection (a) of this
18 Section and paying any late fees ~~penalties~~ established by
19 rule.

20 (b-5) A home inspector whose license has been lapsed or
21 expired for more than 2 years but less than 5 years may restore
22 the license without examination by (i) applying to the
23 Department, (ii) providing evidence of the successful
24 completion of all hours of approved continuing education
25 during the lapsed time periods prior to the date of the
26 application, (iii) paying the required fees, and (iv)

1 satisfying any other requirements as established by rule. A
2 home inspector whose license has been expired for more than 5
3 years shall be required to meet the requirements of a new
4 license.

5 (c) Notwithstanding subsection (b), a home inspector whose
6 license under this Act has expired may renew or restore the
7 license without paying any lapsed renewal fees or late
8 penalties and without completing the continuing education
9 requirements for that licensure period if the license expired
10 while the home inspector was (i) in federal service on active
11 duty with the Armed Forces of the United States or called into
12 service or training with the State Militia, (ii) in training
13 or education under the supervision of the United States
14 preliminary to induction into the military service, or (iii)
15 serving as an employee of the Department and within 2 years
16 after the termination of the service, training, or education,
17 the licensee furnishes the Department with satisfactory
18 evidence of service, training, or education and was terminated
19 under honorable conditions.

20 (d) The Department shall provide reasonable care and due
21 diligence to ensure that each licensee under this Act is
22 provided a renewal application at least 90 days prior to the
23 expiration date, but it is the responsibility of each licensee
24 to renew the license prior to its expiration date.

25 (e) The Department shall not issue or renew a license if
26 the applicant or licensee has an unpaid fine or fee from a

1 disciplinary matter or from a non-disciplinary action imposed
2 by the Department until the fine or fee is paid to the
3 Department or the applicant or licensee has entered into a
4 payment plan and is current on the required payments.

5 (f) The Department shall not issue or renew a license if
6 the applicant or licensee has an unpaid fine or civil penalty
7 imposed by the Department for unlicensed practice until the
8 fine or civil penalty is paid to the Department or the
9 applicant or licensee has entered into a payment plan and is
10 current on the required payments.

11 (g) A home inspector who notifies the Department, in a
12 manner prescribed by the Department, may place the license on
13 inactive status for a period not to exceed 2 years and shall be
14 excused from the payment of renewal fees until the person
15 notifies the Department in writing of the intention to resume
16 active practice.

17 (h) A home inspector requesting that the license be
18 changed from inactive to active status shall be required to
19 pay the current renewal fee and shall also demonstrate
20 compliance with the continuing education requirements.

21 (i) No licensee with a nonrenewed or inactive license
22 status shall provide home inspection services as set forth in
23 this Act.

24 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
25 103-236, eff. 1-1-24.)

(225 ILCS 441/5-20)

(Section scheduled to be repealed on January 1, 2027)

Sec. 5-20. Endorsement. The Department may, in its discretion, license as a home inspector, by endorsement, on payment of the required fee, and without the required examination, an applicant who is a home inspector licensed under the laws of another state or territory, if ~~(i)~~ the requirements for licensure in the state or territory in which the applicant was licensed were, at the date of licensure, substantially equivalent to the requirements in force in this State on that date. ~~or (ii) there were no requirements in force in this State on the date of licensure and the applicant possessed individual qualifications on that date that are substantially similar to the requirements under this Act.~~ The Department may adopt any rules necessary to implement this Section.

Applicants have 3 years after the date of application to complete the application process. If the process has not been completed within 3 years, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 102-20, eff. 1-1-22.)

(225 ILCS 441/15-10)

(Section scheduled to be repealed on January 1, 2027)

Sec. 15-10. Grounds for disciplinary action.

1 (a) The Department may refuse to issue or renew, or may
2 revoke, suspend, place on probation, reprimand, or take other
3 disciplinary or non-disciplinary action as the Department may
4 deem appropriate, including imposing fines not to exceed
5 \$25,000 for each violation upon any licensee or applicant
6 under this Act or any person or entity who holds oneself out as
7 an applicant or licensee, for any one or combination of the
8 following:

9 (1) Fraud or misrepresentation in applying for, or
10 procuring a license under this Act or in connection with
11 applying for renewal of a license under this Act.

12 (2) Failing to meet the minimum qualifications for
13 licensure as a home inspector established by this Act.

14 (3) Paying money, other than for the fees provided for
15 by this Act, or anything of value to an employee of the
16 Department to procure licensure under this Act.

17 (4) Conviction of, or plea of guilty or nolo
18 contendere, or finding as enumerated in subsection (c) of
19 Section 5-10, under the laws of any jurisdiction of the
20 United States: (i) that is a felony, misdemeanor, or
21 administrative sanction, or (ii) that is a crime that
22 subjects the licensee to compliance with the requirements
23 of the Sex Offender Registration Act.

24 (5) Committing an act or omission involving
25 dishonesty, fraud, or misrepresentation with the intent to
26 substantially benefit the licensee or another person or

1 with the intent to substantially injure another person.

2 (6) Violating a provision or standard for the
3 development or communication of home inspections as
4 provided in Section 10-5 of this Act or as defined in the
5 rules.

6 (7) Failing or refusing to exercise reasonable
7 diligence in the development, reporting, or communication
8 of a home inspection report, as defined by this Act or the
9 rules.

10 (8) Violating a provision of this Act or the rules.

11 (9) Having been disciplined by another state, the
12 District of Columbia, a territory, a foreign nation, a
13 governmental agency, or any other entity authorized to
14 impose discipline if at least one of the grounds for that
15 discipline is the same as or substantially equivalent to
16 one of the grounds for which a licensee may be disciplined
17 under this Act.

18 (10) Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 (11) Accepting an inspection assignment when the
22 employment itself is contingent upon the home inspector
23 reporting a predetermined analysis or opinion, or when the
24 fee to be paid is contingent upon the analysis, opinion,
25 or conclusion reached or upon the consequences resulting
26 from the home inspection assignment.

1 (12) Developing home inspection opinions or
2 conclusions based on the race, color, religion, sex,
3 national origin, ancestry, age, marital status, family
4 status, physical or mental disability, military status,
5 unfavorable discharge from military status, sexual
6 orientation, order of protection status, pregnancy, or any
7 other protected class as defined under the Illinois Human
8 Rights Act, of the prospective or present owners or
9 occupants of the area or property under home inspection.

10 (13) Being adjudicated liable in a civil proceeding on
11 grounds of fraud, misrepresentation, or deceit. In a
12 disciplinary proceeding based upon a finding of civil
13 liability, the home inspector shall be afforded an
14 opportunity to present mitigating and extenuating
15 circumstances, but may not collaterally attack the civil
16 adjudication.

17 (14) Being adjudicated liable in a civil proceeding
18 for violation of a State or federal fair housing law.

19 (15) Engaging in misleading or untruthful advertising
20 or using a trade name or insignia of membership in a home
21 inspection organization of which the licensee is not a
22 member.

23 (16) Failing, within 30 days, to provide information
24 in response to a written request made by the Department.

25 (17) Failing to include within the home inspection
26 report the home inspector's license number and the date of

1 expiration of the license. The names of (i) all persons
2 who conducted the home inspection; and (ii) all persons
3 who prepared the subsequent written evaluation or any part
4 thereof must be disclosed in the report. It is a violation
5 of this Act for a home inspector to sign a home inspection
6 report knowing that the names of all such persons have not
7 been disclosed in the home inspection report.

8 (18) Advising a client as to whether the client should
9 or should not engage in a transaction regarding the
10 residential real property that is the subject of the home
11 inspection.

12 (19) Performing a home inspection in a manner that
13 damages or alters the residential real property that is
14 the subject of the home inspection without the consent of
15 the owner.

16 (20) Performing a home inspection when the home
17 inspector is providing or may also provide other services
18 in connection with the residential real property or
19 transaction, or has an interest in the residential real
20 property, without providing prior written notice of the
21 potential or actual conflict and obtaining the prior
22 consent of the client as provided by rule.

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

25 (22) Inability to practice with reasonable judgment,
26 skill, or safety as a result of habitual or excessive use

1 or addiction to alcohol, narcotics, stimulants, or any
2 other chemical agent or drug, which may result in
3 significant harm to the public.

4 (23) A finding by the Department that the licensee,
5 after having the license placed on probationary status,
6 has violated the terms of probation.

7 (24) Willfully making or filing false records or
8 reports related to the practice of home inspection,
9 including, but not limited to, false records filed with
10 State agencies or departments.

11 (25) Charging for professional services not rendered,
12 including filing false statements for the collection of
13 fees for which services are not rendered.

14 (26) Practicing under a false or, except as provided
15 by law, an assumed name.

16 (27) Cheating on or attempting to subvert the
17 licensing examination administered under this Act.

18 (28) Engaging in any of the following prohibited
19 fraudulent, false, deceptive, or misleading advertising
20 practices:

21 (i) advertising as a home inspector or operating a
22 home inspection business entity unless there is a duly
23 licensed home inspector responsible for all inspection
24 activities and all inspections;

25 (ii) advertising that contains a misrepresentation
26 of facts or false statements regarding the licensee's

1 professional achievements, degrees, training, skills,
2 or qualifications in the home inspection profession or
3 any other profession requiring licensure;

4 (iii) advertising that makes only a partial
5 disclosure of relevant facts related to pricing or
6 home inspection services; and

7 (iv) advertising that claims this State or any of
8 its political subdivisions endorse the home inspection
9 report or its contents.

10 (29) Disclosing, except as otherwise required by law,
11 inspection results or client information obtained without
12 the client's written consent. A home inspector shall not
13 deliver a home inspection report to any person other than
14 the client of the home inspector without the client's
15 written consent.

16 (30) Providing fees, gifts, waivers of liability, or
17 other forms of compensation or gratuities to persons
18 licensed under any real estate professional licensing Act
19 ~~act~~ in this State as consideration or inducement for the
20 referral of business.

21 (31) Violating the terms of any order issued by the
22 Department.

23 (b) The Department may suspend, revoke, or refuse to issue
24 or renew an education provider's license, may reprimand, place
25 on probation, or otherwise discipline an education provider
26 licensee, and may suspend or revoke the course approval of any

1 course offered by an education provider, for any of the
2 following:

3 (1) Procuring or attempting to procure licensure by
4 knowingly making a false statement, submitting false
5 information, making any form of fraud or
6 misrepresentation, or refusing to provide complete
7 information in response to a question in an application
8 for licensure.

9 (2) Failing to comply with the covenants certified to
10 on the application for licensure as an education provider.

11 (3) Committing an act or omission involving
12 dishonesty, fraud, or misrepresentation or allowing any
13 such act or omission by any employee or contractor under
14 the control of the education provider.

15 (4) Engaging in misleading or untruthful advertising.

16 (5) Failing to retain competent instructors in
17 accordance with rules adopted under this Act.

18 (6) Failing to meet the topic or time requirements for
19 course approval as the provider of a pre-license
20 curriculum course or a continuing education course.

21 (7) Failing to administer an approved course using the
22 course materials, syllabus, and examinations submitted as
23 the basis of the course approval.

24 (8) Failing to provide an appropriate classroom
25 environment for presentation of courses, with
26 consideration for student comfort, acoustics, lighting,

1 seating, workspace, and visual aid material.

2 (9) Failing to maintain student records in compliance
3 with the rules adopted under this Act.

4 (10) Failing to provide a certificate, transcript, or
5 other student record to the Department or to a student as
6 may be required by rule.

7 (11) Failing to fully cooperate with a Department
8 investigation by knowingly making a false statement,
9 submitting false or misleading information, or refusing to
10 provide complete information in response to written
11 interrogatories or a written request for documentation
12 within 30 days of the request.

13 (c) (Blank).

14 (d) The Department may refuse to issue or may suspend
15 without hearing, as provided for in the Code of Civil
16 Procedure, the license of any person who fails to file a tax
17 return, to pay the tax, penalty, or interest shown in a filed
18 tax return, or to pay any final assessment of tax, penalty, or
19 interest, as required by any tax Act administered by the
20 Illinois Department of Revenue, until such time as the
21 requirements of the tax Act are satisfied in accordance with
22 subsection (g) of Section 2105-15 of the Civil Administrative
23 Code of Illinois.

24 (e) (Blank).

25 (f) In cases where the Department of Healthcare and Family
26 Services has previously determined that a licensee or a

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

10 (g) The determination by a circuit court that a licensee
11 is subject to involuntary admission or judicial admission, as
12 provided in the Mental Health and Developmental Disabilities
13 Code, operates as an automatic suspension. The suspension will
14 end only upon a finding by a court that the patient is no
15 longer subject to involuntary admission or judicial admission
16 and the issuance of a court order so finding and discharging
17 the patient.

18 (h) (Blank).

19 (i) In accordance with subsection (g-5) of Section 2105-15
20 of the Civil Administrative Code of Illinois, the Department
21 may refuse to issue, refuse to renew, suspend, or revoke,
22 without a hearing, the license of any person or entity who
23 fails to pay, perform, or secure workers' compensation
24 obligations as determined by and based solely upon the
25 certification of the Department of Insurance or the Illinois
26 Workers' Compensation Commission.

1 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24;
2 revised 6-25-25.)

3 (225 ILCS 441/15-10.1)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 15-10.1. Citations.

6 (a) The Department may adopt rules to permit the issuance
7 of citations to any licensee for failure to comply with the
8 continuing education requirements set forth in this Act or as
9 established by rule. The citation shall be issued to the
10 licensee and shall contain the licensee's name, the licensee's
11 address, the licensee's license number, the number of required
12 hours of continuing education that have not been successfully
13 completed on or before ~~by the licensee's licensee within the~~
14 renewal deadline period, and the penalty imposed, which shall
15 not exceed \$2,000. The issuance of a citation shall not excuse
16 the licensee from completing all continuing education required
17 for that term of licensure ~~renewal period~~.

18 (b) Service of a citation shall be made in person,
19 electronically, or by mail to the licensee at the licensee's
20 address of record or email address of record, and the citation
21 must clearly state that if the cited licensee wishes to
22 dispute the citation, the cited licensee may make a written
23 request, within 30 days after the citation is served, for a
24 hearing before the Department. If the cited licensee does not
25 request a hearing within 30 days after the citation is served,

1 then ~~the citation shall become~~ a final, non-disciplinary order
2 shall be entered, and any fine imposed is due and payable
3 within 30 ~~60~~ days after the entry of that final order. If the
4 cited licensee requests a hearing within 30 days after the
5 citation is served, the Department shall afford the cited
6 licensee a hearing conducted in the same manner as a hearing
7 provided for in this Act for any violation of this Act and
8 shall determine whether the cited licensee committed the
9 violation as charged and whether the fine as levied is
10 warranted. If the violation is found, any fine shall
11 constitute non-public discipline and be due and payable within
12 30 days after the order of the Secretary, which shall
13 constitute a final order of the Department. No change in
14 license status may be made by the Department until a final
15 order of the Department has been issued.

16 (c) Payment of a fine that has been assessed pursuant to
17 this Section shall not constitute disciplinary action
18 reportable on the Department's website or elsewhere unless a
19 licensee has previously received 2 or more citations and been
20 assessed 2 or more fines.

21 (d) Nothing in this Section shall prohibit or limit the
22 Department from taking further action pursuant to this Act and
23 rules for additional, repeated, or continuing violations.

24 (Source: P.A. 102-20, eff. 1-1-22.)

1 (Section scheduled to be repealed on January 1, 2027)

2 Sec. 15-11. Illegal discrimination.

3 (a) When there has been an adjudication in a civil or
4 criminal proceeding that a licensee has illegally
5 discriminated while engaged in any activity for which a
6 license is required under this Act, the Department, following
7 the provision of notice to the licensee and a hearing
8 conducted in accordance with Section 15-15 and upon the
9 determination by the Secretary as to the extent of the
10 suspension or revocation, shall suspend or revoke the license
11 of that licensee in a timely manner, unless the adjudication
12 is in the appeal process. The finding or judgment of the civil
13 or criminal proceeding is a matter of record and the merits of
14 the finding or judgment shall not be challenged in a request
15 for a hearing by the licensee.

16 (b) When there has been an order in an administrative
17 proceeding finding that a licensee has illegally discriminated
18 while engaged in any activity for which a license is required
19 under this Act, the Department, following the provision of
20 notice to the licensee and a hearing conducted in accordance
21 with Section 15-15 and upon the determination by the Secretary
22 as to the nature and extent of the discipline, shall take one
23 or more of the disciplinary actions provided for in Section
24 15-10 of this Act in a timely manner, unless the
25 administrative order is in the appeal process. The finding of
26 the administrative order is a matter of record and the merits

1 of the finding shall not be challenged in a request for a
2 hearing by the licensee.

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

4 (225 ILCS 441/15-15)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 15-15. Investigation; notice; hearing. The Department
7 may investigate the actions of any person who is an applicant,
8 licensee, person or persons rendering or offering to render
9 home inspection services, or any person holding or claiming to
10 hold a license as a home inspector. The Department shall,
11 before refusing to issue or renew a license or to discipline a
12 person pursuant to Section 15-10, at least 30 days prior to the
13 date set for the hearing, (i) notify the person charged in
14 writing and the person's managing licensed home inspector, if
15 any, of the charges made and the time and place for the hearing
16 on the charges, (ii) direct the person to file a written answer
17 with the Department under oath within 20 days after the
18 service of the notice, and (iii) inform the person that
19 failure to file an answer will result in a default entered
20 against the person. At the time and place fixed in the notice,
21 the Department shall proceed to hear the charges and the
22 parties or ~~of~~ their counsel shall be accorded ample
23 opportunity to present any pertinent statements, testimony,
24 evidence, and arguments. The Department may continue the
25 hearing from time to time. In case the person, after receiving

1 the notice, fails to file an answer, the license~~r~~ may, in the
2 discretion of the Department, be revoked, suspended, placed on
3 probationary status, or the Department may take whatever
4 disciplinary actions considered proper, including limiting the
5 scope, nature, or extent of the person's practice or the
6 imposition of a fine, without a hearing, if the act or acts
7 charged constitute sufficient grounds for that action under
8 the Act. The notice may be served by mail, or, at the
9 discretion of the Department, by electronic means to the
10 address of record or email address of record specified by the
11 person as last updated with the Department.

12 The Secretary shall have the authority to appoint an
13 attorney duly licensed to practice law in the State of
14 Illinois to serve as the hearing officer in any action to
15 suspend, revoke, or otherwise discipline any license issued by
16 the Department. The hearing officer shall have full authority
17 to conduct the hearing.

18 A copy of the hearing officer's report or any Order of
19 Default, along with a copy of the original or amended
20 complaint giving rise to the action, shall be served upon the
21 person by the Department in the manner provided in this Act for
22 the service of a notice of hearing. Within 20 days after
23 service, the person may present to the Department a motion in
24 writing for a rehearing, which shall specify the particular
25 grounds for rehearing. If the person orders from the reporting
26 service and pays for a transcript of the record within the time

1 for filing a motion for rehearing, then the 20-day period
2 during which a motion may be filed shall commence upon the
3 delivery of the transcript to the applicant or licensee. The
4 Department may respond to the motion, or if a motion for
5 rehearing is denied, then upon denial, the Secretary may enter
6 an order in accordance with the recommendations of the hearing
7 officer. If the Secretary disagrees in any regard with the
8 report of the hearing officer, the Secretary may issue an
9 order in contravention thereof. A copy of the Department's
10 final disciplinary order shall be delivered to the person and
11 the person's managing home inspector, if any.

12 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24.)

13 Section 45. The Real Estate Appraiser Licensing Act of
14 2002 is amended by changing Sections 1-10, 5-25, 5-30, 15-10,
15 15-10.1, 15-11, 15-15, and 25-10 as follows:

16 (225 ILCS 458/1-10)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 1-10. Definitions. As used in this Act, unless the
19 context otherwise requires:

20 "Accredited college or university, junior college, or
21 community college" means a college or university, junior
22 college, or community college that is approved or accredited
23 by the Board of Higher Education, a regional or national
24 accreditation association, or by an accrediting agency that is

1 recognized by the U.S. Secretary of Education.

2 "Address of record" means the designated street address,
3 which may not be a post office box, recorded by the Department
4 in the applicant's or licensee's application file or license
5 file as maintained by the Department.

6 "Applicant" means a person who applies to the Department
7 for a license under this Act.

8 "Appraisal" means (noun) the act or process of developing
9 an opinion of value; an opinion of value (adjective) of or
10 pertaining to appraising and related functions, such as
11 appraisal practice or appraisal services.

12 "Appraisal assignment" means a valuation service provided
13 pursuant to an agreement between an appraiser and a client.

14 "Appraisal firm" means an appraisal entity that is 100%
15 owned and controlled by a person or persons licensed in
16 Illinois as a certified general real estate appraiser or a
17 certified residential real estate appraiser. "Appraisal firm"
18 does not include an appraisal management company.

19 "Appraisal management company" means any corporation,
20 limited liability company, partnership, sole proprietorship,
21 subsidiary, unit, or other business entity that directly or
22 indirectly: (1) provides appraisal management services to
23 creditors or secondary mortgage market participants, including
24 affiliates; (2) provides appraisal management services in
25 connection with valuing the consumer's principal dwelling as
26 security for a consumer credit transaction (including consumer

1 credit transactions incorporated into securitizations); and
2 (3) any appraisal management company that, within a given
3 12-month period, oversees an appraiser panel of 16 or more
4 State-certified appraisers in Illinois or 25 or more
5 State-certified or State-licensed appraisers in 2 or more
6 jurisdictions. "Appraisal management company" includes a
7 hybrid entity.

8 "Appraisal practice" means valuation services performed by
9 an individual acting as an appraiser, including, but not
10 limited to, appraisal or appraisal review.

11 "Appraisal qualification board (AQB)" means the
12 independent board of the Appraisal Foundation, which, under
13 the provisions of Title XI of the Financial Institutions
14 Reform, Recovery, and Enforcement Act of 1989, establishes the
15 minimum education, experience, and examination requirements
16 for real property appraisers to obtain a state certification
17 or license.

18 "Appraisal report" means any communication, written or
19 oral, of an appraisal or appraisal review that is transmitted
20 to a client upon completion of an assignment.

21 "Appraisal review" means the act or process of developing
22 and communicating an opinion about the quality of another
23 appraiser's work that was performed as part of an appraisal,
24 appraisal review, or appraisal assignment.

25 "Appraisal Subcommittee" means the Appraisal Subcommittee
26 of the Federal Financial Institutions Examination Council as

1 established by Title XI.

2 "Appraiser" means a person who performs real estate or
3 real property appraisals competently and in a manner that is
4 independent, impartial, and objective.

5 "Appraiser panel" means a network, list, or roster of
6 licensed or certified appraisers approved by the appraisal
7 management company or by the ~~end-user~~ client to perform
8 appraisals as independent contractors for the appraisal
9 management company. "Appraiser panel" includes both appraisers
10 accepted by an appraisal management company for consideration
11 for future appraisal assignments and appraisers engaged by an
12 appraisal management company to perform one or more
13 appraisals. For the purposes of determining the size of an
14 appraiser panel, only independent contractors of hybrid
15 entities shall be counted towards the appraiser panel.

16 "Associate real estate trainee appraiser" means an
17 entry-level appraiser who holds a license of this
18 classification under this Act with restrictions as to the
19 scope of practice in accordance with this Act.

20 "Automated valuation model" means an automated system that
21 is used to derive a property value through the use of available
22 property records and various analytic methodologies such as
23 comparable sales prices, home characteristics, and price
24 changes.

25 "Board" means the Real Estate Appraisal Administration and
26 Disciplinary Board.

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

11 "Classroom hour" means 50 minutes of instruction out of
12 each 60-minute segment of coursework.

13 "Client" means the party or parties who engage an
14 appraiser by employment or contract in a specific appraisal
15 assignment.

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

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

3 "Coordinator" means the Real Estate Appraisal Coordinator
4 created in Section 25-15.

5 "Department" means the Department of Financial and
6 Professional Regulation.

7 "Email address of record" means the designated email
8 address recorded by the Department in the applicant's
9 application file or the licensee's license file maintained by
10 the Department.

11 "Evaluation" means a valuation permitted by the appraisal
12 regulations of the Federal Financial Institutions Examination
13 Council and its federal agencies for transactions that qualify
14 for the appraisal threshold exemption, business loan
15 exemption, or subsequent transaction exemption.

16 "Federal financial institutions regulatory agencies" means
17 the Board of Governors of the Federal Reserve System, the
18 Federal Deposit Insurance Corporation, the Office of the
19 Comptroller of the Currency, the Consumer Financial Protection
20 Bureau, and the National Credit Union Administration.

21 "Federally related transaction" means any real
22 estate-related financial transaction in which a federal
23 financial institutions regulatory agency engages in, contracts
24 for, or regulates and requires the services of an appraiser.

25 "Financial institution" means any bank, savings bank,
26 savings and loan association, credit union, mortgage broker,

1 mortgage banker, licensee under the Consumer Installment Loan
2 Act or the Sales Finance Agency Act, or a corporate fiduciary,
3 subsidiary, affiliate, parent company, or holding company of
4 any such licensee, or any institution involved in real estate
5 financing that is regulated by state or federal law.

6 "Hybrid entity" means an appraisal management company that
7 hires an appraiser as an employee to perform an appraisal and
8 engages an independent contractor to perform an appraisal.

9 "License" means the privilege conferred by the Department
10 to a person that has fulfilled all requirements prerequisite
11 to any type of licensure under this Act.

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

13 "Multi-state licensing system" means a web-based platform
14 that allows an applicant to submit the application or license
15 renewal application to the Department online.

16 "Person" means an individual, entity, sole proprietorship,
17 corporation, limited liability company, partnership, and joint
18 venture, foreign or domestic, except that when the context
19 otherwise requires, the term may refer to more than one
20 individual or other described entity.

21 "Real estate" means an identified parcel or tract of land,
22 including any improvements.

23 "Real estate related financial transaction" means any
24 transaction involving:

25 (1) the sale, lease, purchase, investment in, or
26 exchange of real property, including interests in property

1 or the financing thereof;

2 (2) the refinancing of real property or interests in
3 real property; and

4 (3) the use of real property or interest in property
5 as security for a loan or investment, including mortgage
6 backed securities.

7 "Real property" means the interests, benefits, and rights
8 inherent in the ownership of real estate.

9 "Secretary" means the Secretary of Financial and
10 Professional Regulation or the Secretary's designee.

11 "State certified general real estate appraiser" means an
12 appraiser who holds a license of this classification under
13 this Act and such classification applies to the appraisal of
14 all types of real property without restrictions as to the
15 scope of practice.

16 "State certified residential real estate appraiser" means
17 an appraiser who holds a license of this classification under
18 this Act and such classification applies to the appraisal of
19 one to 4 units of residential real property without regard to
20 transaction value or complexity, but with restrictions as to
21 the scope of practice in a federally related transaction in
22 accordance with Title XI, the provisions of USPAP, criteria
23 established by the AQB, and further defined by rule.

24 "Supervising appraiser" means either (i) an appraiser who
25 holds a valid license under this Act as either a State
26 certified general real estate appraiser or a State certified

1 residential real estate appraiser, who co-signs an appraisal
2 report for an associate real estate trainee appraiser or (ii)
3 a State certified general real estate appraiser who holds a
4 valid license under this Act who co-signs an appraisal report
5 for a State certified residential real estate appraiser on
6 properties other than one to 4 units of residential real
7 property without regard to transaction value or complexity.

8 "Title XI" means Title XI of the federal Financial
9 Institutions Reform, Recovery, and Enforcement Act of 1989.

10 "USPAP" means the Uniform Standards of Professional
11 Appraisal Practice as promulgated by the Appraisal Standards
12 Board pursuant to Title XI and by rule.

13 "Valuation services" means services pertaining to aspects
14 of property value.

15 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;
16 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

17 (225 ILCS 458/5-25)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 5-25. Renewal of license.

20 (a) The expiration date and renewal period for a State
21 certified general real estate appraiser license or a State
22 certified residential real estate appraiser license issued
23 under this Act shall be set by rule. Except as otherwise
24 provided in subsections (b) and (f) of this Section, the
25 holder of a license may renew the license within 90 days

1 preceding the expiration date by:

2 (1) completing and submitting to the Department, or
3 through a multi-state licensing system as designated by
4 the Secretary, a renewal application form as provided by
5 the Department;

6 (2) paying the required fees; and

7 (3) providing evidence to the Department, or through a
8 multi-state licensing system as designated by the
9 Secretary, of successful completion of the continuing
10 education requirements through courses approved by the
11 Department from education providers licensed by the
12 Department, as established by the AQB and by rule.

13 (b) A State certified general real estate appraiser or
14 State certified residential real estate appraiser whose
15 license under this Act has expired may renew the license for a
16 period of 2 years following the expiration date by complying
17 with the requirements of paragraphs (1), (2), and (3) of
18 subsection (a) of this Section and paying any late penalties
19 established by rule.

20 (c) (Blank).

21 (d) The expiration date and renewal period for an
22 associate real estate trainee appraiser license issued under
23 this Act shall be set by rule. Except as otherwise provided in
24 subsections (e) and (f) of this Section, the holder of an
25 associate real estate trainee appraiser license may renew the
26 license within 90 days preceding the expiration date by:

1 (1) completing and submitting to the Department, or
2 through a multi-state licensing system as designated by
3 the Secretary, a renewal application form as provided by
4 the Department;

5 (2) paying the required fees; and

6 (3) providing evidence to the Department, or through a
7 multi-state licensing system as designated by the
8 Secretary, of successful completion of the continuing
9 education requirements through courses approved by the
10 Department from education providers approved by the
11 Department, as established by rule.

12 (e) Any associate real estate trainee appraiser whose
13 license under this Act has expired may renew the license for a
14 period of 2 years following the expiration date by complying
15 with the requirements of paragraphs (1), (2), and (3) of
16 subsection (d) of this Section and paying any late penalties
17 as established by rule.

18 (f) Notwithstanding subsections (b) ~~(e)~~ and (e), an
19 appraiser whose license under this Act has expired may renew
20 or convert the license without paying any lapsed renewal fees
21 or late penalties if the license expired while the appraiser
22 was:

23 (1) on active duty with the United States Armed
24 Services;

25 (2) serving as the Coordinator or an employee of the
26 Department who was required to surrender the license

1 during the term of employment.

2 Application for renewal must be made within 2 years
3 following the termination of the military service or related
4 education, training, or employment and shall include an
5 affidavit from the licensee of engagement.

6 (g) The Department shall provide reasonable care and due
7 diligence to ensure that each licensee under this Act is
8 provided with a renewal application at least 90 days prior to
9 the expiration date, but timely renewal or conversion of the
10 license prior to its expiration date is the responsibility of
11 the licensee.

12 (h) The Department shall not issue or renew a license if
13 the applicant or licensee has an unpaid fine or fee from a
14 disciplinary matter or from a non-disciplinary action imposed
15 by the Department until the fine or fee is paid to the
16 Department or the applicant or licensee has entered into a
17 payment plan and is current on the required payments.

18 (i) The Department shall not issue or renew a license if
19 the applicant or licensee has an unpaid fine or civil penalty
20 imposed by the Department for unlicensed practice until the
21 fine or civil penalty is paid to the Department or the
22 applicant or licensee has entered into a payment plan and is
23 current on the required payments.

24 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
25 103-236, eff. 1-1-24.)

1 (225 ILCS 458/5-30)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 5-30. Endorsement. The Department may issue an
4 appraiser license, without the required examination, to an
5 applicant licensed by another state, territory, possession of
6 the United States, or the District of Columbia, if (i) the
7 licensing requirements of that licensing authority are, on the
8 date of licensure, substantially equal to the requirements set
9 forth under this Act or to a person who, at the time of the
10 application, possessed individual qualifications that were
11 substantially equivalent to the requirements of this Act and
12 ~~or~~ (ii) the applicant provides the Department with evidence of
13 good standing from the Appraisal Subcommittee National
14 Registry report and a criminal history records check in
15 accordance with Section 5-22. An applicant under this Section
16 shall pay all of the required fees.

17 (Source: P.A. 102-20, eff. 1-1-22.)

18 (225 ILCS 458/15-10)

19 (Section scheduled to be repealed on January 1, 2027)

20 Sec. 15-10. Grounds for disciplinary action.

21 (a) The Department may suspend, revoke, refuse to issue,
22 renew, or restore a license and may reprimand, place on
23 probation or administrative supervision, or take any
24 disciplinary or non-disciplinary action, including imposing
25 conditions limiting the scope, nature, or extent of the real

1 estate appraisal practice of a licensee or reducing the
2 appraisal rank of a licensee, and may impose an administrative
3 fine not to exceed \$25,000 for each violation upon a licensee
4 or applicant under this Act or any person who holds oneself out
5 as an applicant or licensee for any one or combination of the
6 following:

7 (1) Procuring or attempting to procure a license by
8 knowingly making a false statement, submitting false
9 information, engaging in any form of fraud or
10 misrepresentation, or refusing to provide complete
11 information in response to a question in an application
12 for licensure.

13 (2) Failing to meet the minimum qualifications for
14 licensure as an appraiser established by this Act.

15 (3) Paying money, other than for the fees provided for
16 by this Act, or anything of value to a member or employee
17 of the Board or the Department to procure licensure under
18 this Act.

19 (4) Conviction of, or plea of guilty or nolo
20 contendere, as enumerated in subsection (e) of Section
21 5-22, under the laws of any jurisdiction of the United
22 States to: (i) ~~that is~~ a felony, misdemeanor, or
23 administrative sanction or (ii) ~~that is~~ a crime that
24 subjects the licensee to compliance with the requirements
25 of the Sex Offender Registration Act.

26 (5) Committing an act or omission involving

1 dishonesty, fraud, or misrepresentation with the intent to
2 substantially benefit the licensee or another person or
3 with intent to substantially injure another person as
4 defined by rule.

5 (6) Violating a provision or standard for the
6 development or communication of real estate appraisals as
7 provided in Section 10-10 of this Act or as defined by
8 rule.

9 (7) Failing or refusing without good cause to exercise
10 reasonable diligence in developing, reporting, or
11 communicating an appraisal, as defined by this Act or by
12 rule.

13 (8) Violating a provision of this Act or the rules
14 adopted pursuant to this Act.

15 (9) Having been disciplined by another state, the
16 District of Columbia, a territory, a foreign nation, a
17 governmental agency, or any other entity authorized to
18 impose discipline if at least one of the grounds for that
19 discipline is the same as or the equivalent of one of the
20 grounds for which a licensee may be disciplined under this
21 Act.

22 (10) Engaging in dishonorable, unethical, or
23 unprofessional conduct of a character likely to deceive,
24 defraud, or harm the public.

25 (11) Accepting an appraisal assignment when the
26 employment itself is contingent upon the appraiser

1 reporting a predetermined estimate, analysis, or opinion
2 or when the fee to be paid is contingent upon the opinion,
3 conclusion, or valuation reached or upon the consequences
4 resulting from the appraisal assignment.

5 (12) Developing valuation conclusions based on the
6 race, color, religion, sex, national origin, ancestry,
7 age, marital status, family status, physical or mental
8 disability, sexual orientation, pregnancy, order of
9 protection status, military status, unfavorable military
10 discharge, source of income, or any other protected class,
11 as defined under the Illinois Human Rights Act, of the
12 prospective or present owners or occupants of the area or
13 property under appraisal.

14 (13) Violating the confidential nature of government
15 records to which the licensee gained access through
16 employment or engagement as an appraiser by a governmental
17 ~~government~~ agency.

18 (14) Being adjudicated liable in a civil proceeding on
19 grounds of fraud, misrepresentation, or deceit. In a
20 disciplinary proceeding based upon a finding of civil
21 liability, the appraiser shall be afforded an opportunity
22 to present mitigating and extenuating circumstances, but
23 may not collaterally attack the civil adjudication.

24 (15) Being adjudicated liable in a civil proceeding
25 for violation of a state or federal fair housing law.

26 (16) Engaging in misleading or untruthful advertising

1 or using a trade name or insignia of membership in a real
2 estate appraisal or real estate organization of which the
3 licensee is not a member.

4 (17) Failing to fully cooperate with a Department
5 investigation by knowingly making a false statement,
6 submitting false or misleading information, or refusing to
7 provide complete information in response to written
8 interrogatories or a written request for documentation
9 within 30 days of the request.

10 (18) Failing to include within the certificate of
11 appraisal for all written appraisal reports the
12 appraiser's license number and licensure title. All
13 appraisers providing significant contribution to the
14 development and reporting of an appraisal must be
15 disclosed in the appraisal report. It is a violation of
16 this Act for an appraiser to sign a report, transmittal
17 letter, or appraisal certification knowing that a person
18 providing a significant contribution to the report has not
19 been disclosed in the appraisal report.

20 (19) Violating the terms of a disciplinary order or
21 Consent ~~consent~~ to Administrative Supervision
22 ~~administrative supervision~~ order.

23 (20) Habitual or excessive use or addiction to
24 alcohol, narcotics, stimulants, or any other chemical
25 agent or drug that results in a licensee's inability to
26 practice with reasonable judgment, skill, or safety that

1 may result in significant harm to the public.

2 (21) A physical or mental illness or disability which
3 results in the inability to practice under this Act with
4 reasonable judgment, skill, or safety.

5 (22) Gross negligence in developing an appraisal or in
6 communicating an appraisal or failing to observe one or
7 more of the Uniform Standards of Professional Appraisal
8 Practice.

9 (23) A pattern of practice or other behavior that
10 demonstrates incapacity or incompetence to practice under
11 this Act.

12 (24) Using or attempting to use the seal, certificate,
13 or license of another as one's own; falsely impersonating
14 any duly licensed appraiser; using or attempting to use an
15 inactive, expired, suspended, or revoked license; or
16 aiding or abetting any of the foregoing.

17 (25) Solicitation of professional services by using
18 false, misleading, or deceptive advertising.

19 (26) Making a material misstatement in furnishing
20 information to the Department.

21 (27) Failure to furnish information to the Department
22 upon written request.

23 (b) The Department may reprimand, suspend, revoke, or
24 refuse to issue or renew an education provider's license, may
25 reprimand, place on probation, or otherwise discipline an
26 education provider, and may suspend or revoke the course

1 approval of any course offered by an education provider and
2 may impose an administrative fine not to exceed \$25,000 upon
3 an education provider, for any of the following:

4 (1) Procuring or attempting to procure licensure by
5 knowingly making a false statement, submitting false
6 information, engaging in any form of fraud or
7 misrepresentation, or refusing to provide complete
8 information in response to a question in an application
9 for licensure.

10 (2) Failing to comply with the covenants certified to
11 on the application for licensure as an education provider.

12 (3) Committing an act or omission involving
13 dishonesty, fraud, or misrepresentation or allowing any
14 such act or omission by any employee or contractor under
15 the control of the provider.

16 (4) Engaging in misleading or untruthful advertising.

17 (5) Failing to retain competent instructors in
18 accordance with rules adopted under this Act.

19 (6) Failing to meet the topic or time requirements for
20 course approval as the provider of a qualifying curriculum
21 course or a continuing education course.

22 (7) Failing to administer an approved course using the
23 course materials, syllabus, and examinations submitted as
24 the basis of the course approval.

25 (8) Failing to provide an appropriate classroom
26 environment for presentation of courses, with

1 consideration for student comfort, acoustics, lighting,
2 seating, workspace, and visual aid material.

3 (9) Failing to maintain student records in compliance
4 with the rules adopted under this Act.

5 (10) Failing to provide a certificate, transcript, or
6 other student record to the Department or to a student as
7 may be required by rule.

8 (11) Failing to fully cooperate with an investigation
9 by the Department by knowingly making a false statement,
10 submitting false or misleading information, or refusing to
11 provide complete information in response to written
12 interrogatories or a written request for documentation
13 within 30 days of the request.

14 (c) In appropriate cases, the Department may resolve a
15 complaint against a licensee through the issuance of a Consent
16 to Administrative Supervision order. A licensee subject to a
17 Consent to Administrative Supervision order shall be
18 considered by the Department as an active licensee in good
19 standing. This order shall not be reported or considered by
20 the Department to be a discipline of the licensee. The records
21 regarding an investigation and a Consent to Administrative
22 Supervision order shall be considered confidential and shall
23 not be released by the Department except as mandated by law.

24 (Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24;
25 revised 6-24-25.)

1 (225 ILCS 458/15-10.1)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 15-10.1. Citations.

4 (a) The Department may adopt rules to permit the issuance
5 of citations to any licensee for failure to comply with the
6 continuing education requirements set forth in this Act or as
7 established by rule. The citation shall be issued to the
8 licensee. For associate real estate trainee appraisers, a copy
9 shall also be sent to the licensee's supervising appraiser of
10 record. The citation shall contain the licensee's name, the
11 licensee's address, the licensee's license number, the number
12 of required hours of continuing education that have not been
13 successfully completed on or before ~~by the licensee's licensee~~
14 ~~within the renewal deadline period~~, and the penalty imposed,
15 which shall not exceed \$2,000. The issuance of a citation
16 shall not excuse the licensee from completing all continuing
17 education required for that term of licensure ~~renewal period~~.

18 (b) Service of a citation shall be made in person,
19 electronically, or by mail to the licensee at the licensee's
20 address of record or email address of record and ~~Service of a~~
21 ~~citation~~ must clearly state that if the cited licensee wishes
22 to dispute the citation, the cited licensee may make a written
23 request, within 30 days after the citation is served, for a
24 hearing before the Department. If the cited licensee does not
25 request a hearing within 30 days after the citation is served,
26 then ~~the citation shall become~~ a final, non-disciplinary order

1 shall be entered, and any fine imposed is due and payable
2 within 30 ~~60~~ days after the entry of that final order. If the
3 cited licensee requests a hearing within 30 days after the
4 citation is served, the Department shall afford the cited
5 licensee a hearing conducted in the same manner as a hearing
6 provided for in this Act for any violation of this Act and
7 shall determine whether the cited licensee committed the
8 violation as charged and whether the fine as levied is
9 warranted. If the violation is found, any fine shall
10 constitute non-public discipline and be due and payable within
11 30 days after the order of the Secretary, which shall
12 constitute a final order of the Department. No change in
13 license status may be made by the Department until a final
14 order of the Department has been issued.

15 (c) Payment of a fine that has been assessed pursuant to
16 this Section shall not constitute disciplinary action
17 reportable on the Department's website or elsewhere unless a
18 licensee has previously received 2 or more citations and been
19 assessed 2 or more fines.

20 (d) Nothing in this Section shall prohibit or limit the
21 Department from taking further action pursuant to this Act and
22 rules for additional, repeated, or continuing violations.

23 (Source: P.A. 102-20, eff. 1-1-22.)

24 (225 ILCS 458/15-11)

25 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 15-11. Illegal discrimination.

2 (a) When there has been an adjudication in a civil or
3 criminal proceeding that a licensee has illegally
4 discriminated while engaged in any activity for which a
5 license is required under this Act, the Department, following
6 notice to the licensee and a hearing in accordance with
7 Section 15-15 and upon the recommendation of the Board as to
8 the extent of the suspension or revocation, shall suspend or
9 revoke the license of that licensee in a timely manner, unless
10 the adjudication is in the appeal process. The finding or
11 judgment of the civil or criminal proceeding is a matter of
12 record, the merits of which shall not be challenged in a
13 request for a hearing by the licensee.

14 (b) When there has been an order in an administrative
15 proceeding finding that a licensee has illegally discriminated
16 while engaged in any activity for which a license is required
17 under this Act, the Department, following notice to the
18 licensee and a hearing in accordance with Section 15-15, and
19 upon recommendation of the Board as to the nature and extent of
20 the discipline, shall take one or more of the disciplinary
21 actions provided for in this Act ~~Section 15-10~~ in a timely
22 manner, unless the administrative order is in the appeal
23 process. The finding of the administrative order is a matter
24 of record, the merits of which shall not be challenged in a
25 request for a hearing by the licensee.

26 (Source: P.A. 102-20, eff. 1-1-22.)

1 (225 ILCS 458/15-15)

2 (Section scheduled to be repealed on January 1, 2027)

3 Sec. 15-15. Investigation; notice; hearing.

4 (a) Upon the motion of the Department or the Board or upon
5 a complaint in writing of a person setting forth facts that, if
6 proven, would constitute grounds for suspension, revocation,
7 or other disciplinary action, the Department shall investigate
8 the actions or qualifications of any person who is a licensee,
9 applicant for licensure, unlicensed person, person rendering
10 or offering to render appraisal services, or person holding or
11 claiming to hold a license under this Act. If, upon
12 investigation, the Department believes that there may be cause
13 for suspension, revocation, or other disciplinary action, the
14 Department may ~~shall~~ use the services of a State certified
15 general real estate appraiser, a State certified residential
16 real estate appraiser, or the Coordinator to assist in
17 determining whether grounds for disciplinary action exist
18 prior to commencing formal disciplinary proceedings.

19 (b) Formal disciplinary proceedings shall commence upon
20 the issuance of a written complaint describing the charges
21 that are the basis of the disciplinary action and delivery of
22 the detailed complaint to the most recent address of record or
23 email address of record of the person charged as provided to
24 the Department. For an associate real estate trainee
25 appraiser, a copy shall also be sent to the licensee's

1 supervising appraiser of record at the supervising appraiser's
2 most recent address of record or email address of record as
3 provided to the Department. The Department shall notify the
4 person to file a verified written answer within 20 days after
5 the service of the notice and complaint. The notification
6 shall inform the person of the right to be heard in person or
7 by legal counsel; that the hearing will be afforded not sooner
8 than 20 days after service of the complaint; that failure to
9 file an answer after service of notice will result in a default
10 being entered against the person; that the license may be
11 suspended, revoked, or placed on probationary status; and that
12 the Department may take whatever other disciplinary action may
13 be taken pursuant to this Act, including limiting the scope,
14 nature, or extent of the licensee's practice. ~~If the person~~
15 ~~fails to file an answer after service of notice, the~~
16 ~~respective license may, at the discretion of the Department,~~
17 ~~be suspended, revoked, or placed on probationary status and~~
18 ~~the Department may take whatever disciplinary action it deems~~
19 ~~proper, including limiting the scope, nature, or extent of the~~
20 ~~person's practice, without a hearing.~~

21 (c) At the time and place fixed in the notice, the
22 Department Board shall conduct a hearing of the charges,
23 providing the parties ~~both the person charged and the~~
24 ~~complainant~~ ample opportunity to present in person or by
25 counsel such statements, testimony, evidence, and argument as
26 may be pertinent to the charges or to a defense thereto. The

1 Department may continue such hearing from time to time.

2 If the person fails to file an answer after service of
3 notice, the respective license may, at the discretion of the
4 Department, be suspended, revoked, or placed on probationary
5 status and the Department may take whatever disciplinary
6 action it deems proper, including limiting the scope, nature,
7 or extent of the person's practice, without a hearing, if the
8 act or acts charged constitute sufficient grounds for such
9 action under this Act.

10 (c-5) The Secretary shall have the authority to appoint an
11 attorney duly licensed to practice law in the State of
12 Illinois to serve as the hearing officer in any action to
13 suspend, revoke, or otherwise discipline any license issued by
14 the Department. The Hearing Officer shall have full authority
15 to conduct the hearing.

16 There may be present one or more members of the Board at
17 any such hearing. The hearing officer shall report the hearing
18 officer's findings and recommendations to the Board and the
19 Secretary. The Board shall have 60 days from receipt of the
20 report to review the report of the hearing officer and present
21 its findings of fact, conclusions of law, and recommendations
22 to the Secretary. If the Board fails to present its findings of
23 fact, conclusions of law, and recommendations within the
24 60-day period, the Department may request in writing a direct
25 appeal to the Secretary, in which case the Secretary may issue
26 an order based upon the report of the hearing officer and the

1 record of the proceedings or issue an order remanding the
2 matter back to the hearing officer for additional proceedings
3 in accordance with the order. If the Board fails to present its
4 findings of fact, conclusions of law, and recommendations
5 within a 60-day period after receiving an Order of Default,
6 the Department may request in writing a direct appeal to the
7 Secretary.

8 (d) The Board shall present to the Secretary a written
9 report of its findings of fact and recommendations. A copy of
10 the report shall be served upon the person either by mail or,
11 at the discretion of the Department, by electronic means. For
12 associate real estate trainee appraisers, a copy shall also be
13 sent to the licensee's supervising appraiser of record. Within
14 20 days after the service, the person may present to the
15 Department Secretary with a motion in writing for a rehearing
16 that specifies and shall specify the particular grounds for
17 the request. If the person orders a transcript of the record
18 from the applicable reporting service and pays for the
19 transcript within the 20-day period for filing a motion for
20 rehearing, the 20-day period shall restart upon the delivery
21 of the transcript.

22 Notwithstanding any other provision of this Section, if
23 the Secretary, upon review, determines that substantial
24 justice has not been done in the revocation, suspension, or
25 refusal to issue or renew a license or any other disciplinary
26 action taken as a result of the entry of the hearing officer's

1 report, the Secretary may order a rehearing by the Board or
2 other special committee appointed by the Secretary or may
3 remand the matter to the Board for its reconsideration of the
4 matter based on the pleadings and evidence presented to the
5 Board. If the Secretary disagrees in any regard with the
6 report of the Board or the hearing officer, the Secretary may
7 issue an order in contravention of the Board or the hearing
8 officer. ~~If the person orders a transcript of the record as~~
9 ~~provided in this Act, the time elapsing thereafter and before~~
10 ~~the transcript is ready for delivery to the person shall not be~~
11 ~~counted as part of the 20 days. If the Secretary is not~~
12 ~~satisfied that substantial justice has been done, the~~
13 ~~Secretary may order a rehearing by the Board or other special~~
14 ~~committee appointed by the Secretary, may remand the matter to~~
15 ~~the Board for its reconsideration of the matter based on the~~
16 ~~pleadings and evidence presented to the Board, or may enter a~~
17 ~~final order in contravention of the Board's recommendation.~~
18 Notwithstanding a person's failure to file a motion for
19 rehearing, the Secretary shall have the right to take any of
20 the actions specified in this subsection (d). Upon the
21 suspension or revocation of a license, the licensee shall be
22 required to surrender the respective license to the
23 Department, and upon failure or refusal to do so, the
24 Department shall have the right to seize the license.

25 (e) The Department has the power to issue subpoenas and
26 subpoenas duces tecum to bring before it any person in this

1 State, to take testimony, or to require production of any
2 records relevant to an inquiry or hearing by the Board in the
3 same manner as prescribed by law in judicial proceedings in
4 the courts of this State. In a case of refusal of a witness to
5 attend, testify, or to produce books or papers concerning a
6 matter upon which the witness might be lawfully examined, the
7 circuit court of the county where the hearing is held, upon
8 application of the Department or any party to the proceeding,
9 may compel obedience by proceedings as for contempt.

10 (f) Any license that is revoked may not be restored for a
11 minimum period of 3 years.

12 (g) In addition to the provisions of this Section
13 concerning the conduct of hearings and the recommendations for
14 discipline, the Department has the authority to negotiate
15 disciplinary and non-disciplinary settlement agreements
16 concerning any license issued under this Act. All such
17 agreements shall be recorded as Consent Orders or Consent to
18 Administrative Supervision Orders.

19 (h) (Blank). ~~The Secretary shall have the authority to~~
20 ~~appoint an attorney duly licensed to practice law in the State~~
21 ~~of Illinois to serve as the hearing officer in any action to~~
22 ~~suspend, revoke, or otherwise discipline any license issued by~~
23 ~~the Department. The Hearing Officer shall have full authority~~
24 ~~to conduct the hearing.~~

25 (i) The Department, at its expense, shall preserve a
26 record of all formal hearings of any contested case involving

1 the discipline of a license. At all hearings or pre-hearing
2 conferences, the Department and the licensee shall be entitled
3 to have the proceedings transcribed by a certified shorthand
4 reporter. A copy of the transcribed proceedings shall be made
5 available to the licensee by the certified shorthand reporter
6 upon payment of the prevailing contract copy rate.

7 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
8 103-236, eff. 1-1-24; revised 6-24-25.)

9 (225 ILCS 458/25-10)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 25-10. Real Estate Appraisal Administration and
12 Disciplinary Board; appointment.

13 (a) There is hereby created the Real Estate Appraisal
14 Administration and Disciplinary Board. The Board shall be
15 composed of the Coordinator and 10 persons appointed by the
16 Governor. Members shall be appointed to the Board subject to
17 the following conditions:

18 (1) All appointed members shall have been residents
19 and citizens of this State for at least 5 years prior to
20 the date of appointment.

21 (2) The appointed membership of the Board should
22 reasonably reflect the geographic distribution of the
23 population of the State.

24 (3) Four appointed members shall have been actively
25 engaged and currently licensed as State certified general

1 real estate appraisers for a period of not less than 5
2 years.

3 (4) Three appointed members shall have been actively
4 engaged and currently licensed as State certified
5 residential real estate appraisers for a period of not
6 less than 5 years.

7 (5) One appointed member shall hold a valid license as
8 a real estate broker for at least 3 years prior to the date
9 of the appointment and shall hold either a valid State
10 certified general real estate appraiser license or a valid
11 State certified residential appraiser license issued under
12 this Act or a predecessor Act for a period of at least 5
13 years prior to the appointment.

14 (6) One appointed member shall be a representative of
15 a financial institution, as evidenced by proof of
16 employment with a financial institution.

17 (7) One appointed member shall represent the interests
18 of the general public. This member or the member's spouse
19 shall not be licensed under this Act nor be employed by or
20 have any financial interest in an appraisal business,
21 appraisal management company, real estate brokerage
22 business, or a financial institution.

23 In making appointments as provided in paragraphs (3) and
24 (4) of this subsection, the Governor shall give due
25 consideration to recommendations by members and organizations
26 representing the profession.

1 In making the appointments as provided in paragraph (5) of
2 this subsection, the Governor shall give due consideration to
3 the recommendations by members and organizations representing
4 the real estate industry.

5 In making the appointment as provided in paragraph (6) of
6 this subsection, the Governor shall give due consideration to
7 the recommendations by members and organizations representing
8 financial institutions.

9 (b) The members' terms shall be for 4 years or until a
10 successor is appointed. No member shall be reappointed to the
11 Board for a term that would cause the member's cumulative
12 service to the Board to exceed 12 years. Appointments to fill
13 vacancies shall be for the unexpired portion of the term.

14 (c) The Governor may terminate the appointment of a member
15 for cause that, in the opinion of the Governor, reasonably
16 justifies the termination. Cause for termination may include,
17 without limitation, misconduct, incapacity, neglect of duty,
18 or missing 4 Board meetings during any one fiscal year.

19 (d) A majority of the Board members shall constitute a
20 quorum. A vacancy in the membership of the Board shall not
21 impair the right of a quorum to exercise all of the rights and
22 perform all of the duties of the Board.

23 (e) The Board shall meet at least monthly ~~and may be~~
24 ~~convened by the Chairperson, Vice Chairperson, or 3 members of~~
25 ~~the Board upon 10 days written notice.~~

26 (f) The Board shall, annually at the first meeting of the

1 fiscal year, elect a Chairperson and Vice-Chairperson from its
2 members. The Chairperson shall preside over the meetings and
3 shall coordinate with the Coordinator in developing and
4 distributing an agenda for each meeting. In the absence of the
5 Chairperson, the Vice-Chairperson shall preside over the
6 meeting.

7 (g) The Coordinator shall serve as a member of the Board
8 without vote.

9 (h) The Board shall advise and make recommendations to the
10 Department on the education and experience qualifications of
11 any applicant for initial licensure as a State certified
12 general real estate appraiser or a State certified residential
13 real estate appraiser. The Department shall not make any
14 decisions concerning education or experience qualifications of
15 an applicant for initial licensure as a State certified
16 general real estate appraiser or a State certified residential
17 real estate appraiser without having first received the advice
18 and recommendation of the Board and shall give due
19 consideration to all such advice and recommendations; however,
20 if the Board does not render advice or make a recommendation
21 within a reasonable amount of time, then the Department may
22 render a decision.

23 (i) Except as provided in Section 15-17 of this Act, the
24 Board shall hear and make recommendations to the Secretary on
25 disciplinary matters that require a formal evidentiary
26 hearing. The Secretary shall give due consideration to the

1 recommendations of the Board involving discipline and
2 questions involving standards of professional conduct of
3 licensees.

4 (j) The Department shall seek and the Board shall provide
5 recommendations to the Department consistent with the
6 provisions of this Act and for the administration and
7 enforcement of all rules adopted pursuant to this Act. The
8 Department shall give due consideration to such
9 recommendations prior to adopting rules.

10 (k) The Department shall seek and the Board shall provide
11 recommendations to the Department on the approval of all
12 courses submitted to the Department pursuant to this Act and
13 the rules adopted pursuant to this Act. The Department shall
14 not approve any courses without having first received the
15 recommendation of the Board and shall give due consideration
16 to such recommendations prior to approving and licensing
17 courses; however, if the Board does not make a recommendation
18 within a reasonable amount of time, then the Department may
19 approve courses.

20 (l) Each voting member of the Board may receive a per diem
21 stipend in an amount to be determined by the Secretary. While
22 engaged in the performance of duties, each member shall be
23 reimbursed for necessary expenses.

24 (m) Members of the Board shall be immune from suit in an
25 action based upon any disciplinary proceedings or other acts
26 performed in good faith as members of the Board.

1 (n) If the Department disagrees with any advice or
2 recommendation provided by the Board under this Section to the
3 Secretary or the Department, then notice of such disagreement
4 must be provided to the Board by the Department.

5 (o) (Blank).

6 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22;
7 103-236, eff. 1-1-24.)

8 Section 50. The Appraisal Management Company Registration
9 Act is amended by changing Sections 10, 15, 20, 43, 45, 60, 65,
10 75, 105, 110, 125, 165 as follows:

11 (225 ILCS 459/10)

12 Sec. 10. Definitions. In this Act:

13 "Address of record" means the principal address recorded
14 by the Department in the applicant's or registrant's
15 application file or registration file maintained by the
16 Department's registration maintenance unit.

17 "Applicant" means a person or entity who applies to the
18 Department for a registration under this Act.

19 "Appraisal" means (noun) the act or process of developing
20 an opinion of value; an opinion of value (adjective) of or
21 pertaining to appraising and related functions.

22 "Appraisal firm" means an appraisal entity that is 100%
23 owned and controlled by a person or persons licensed in
24 Illinois as a certified general real estate appraiser or a

1 certified residential real estate appraiser. An appraisal firm
2 does not include an appraisal management company.

3 "Appraisal management company" means any corporation,
4 limited liability company, partnership, sole proprietorship,
5 subsidiary, unit, or other business entity that directly or
6 indirectly: (1) provides appraisal management services to
7 creditors or secondary mortgage market participants, including
8 affiliates; (2) provides appraisal management services in
9 connection with valuing the consumer's principal dwelling as
10 security for a consumer credit transaction (including consumer
11 credit transactions incorporated into securitizations); and
12 (3) any appraisal management company that, within a given
13 12-month period, oversees an appraiser panel of 16 or more
14 State-certified appraisers in Illinois or 25 or more
15 State-certified or State-licensed appraisers in 2 or more
16 jurisdictions. "Appraisal management company" includes a
17 hybrid entity.

18 "Appraisal management company national registry fee" means
19 the fee implemented pursuant to Title XI of the federal
20 Financial Institutions Reform, Recovery, and Enforcement Act
21 of 1989 for an appraiser management company's national
22 registry.

23 "Appraisal management services" means one or more of the
24 following:

25 (1) recruiting, selecting, and retaining appraisers;

26 (2) contracting with State-certified or State-licensed

1 appraisers to perform appraisal assignments;

2 (3) managing the process of having an appraisal
3 performed, including providing administrative services
4 such as receiving appraisal orders and appraisal reports;
5 submitting completed appraisal reports to creditors and
6 secondary market participants; collecting compensation
7 from creditors, underwriters, or secondary market
8 participants for services provided; and ~~or~~ paying
9 appraisers for services performed; and ~~or~~

10 (4) reviewing and verifying the work of appraisers.

11 "Appraiser panel" means a network, list, or roster of
12 licensed or certified appraisers approved by the appraisal
13 management company or by the end-user client to perform
14 appraisals as independent contractors for the appraisal
15 management company. "Appraiser panel" includes both appraisers
16 accepted by an appraisal management company for consideration
17 for future appraisal assignments and appraisers engaged by an
18 appraisal management company to perform one or more
19 appraisals. For the purposes of determining the size of an
20 appraiser panel, only independent contractors of hybrid
21 entities shall be counted towards the appraiser panel.

22 "Appraiser panel fee" means the amount collected from a
23 registrant that, where applicable, includes an appraisal
24 management company's national registry fee.

25 "Appraisal report" means a written appraisal by an
26 appraiser to a client.

1 "Appraisal practice service" means valuation services
2 performed by an individual acting as an appraiser, including,
3 but not limited to, appraisal or appraisal review.

4 "Appraisal subcommittee" means the appraisal subcommittee
5 of the Federal Financial Institutions Examination Council as
6 established by Title XI.

7 "Appraiser" means a person who performs real estate or
8 real property appraisals.

9 "Assignment result" means an appraiser's opinions and
10 conclusions developed specific to an assignment.

11 "Audit" includes, but is not limited to, an annual or
12 special audit, visit, or review necessary under this Act or
13 required by the Secretary or the Secretary's authorized
14 representative in carrying out the duties and responsibilities
15 under this Act.

16 "Client" means the party or parties who engage an
17 appraiser by employment or contract in a specific appraisal
18 assignment.

19 "Controlling person" means:

20 (1) an owner, officer, or director of an entity
21 seeking to offer appraisal management services;

22 (2) an individual employed, appointed, or authorized
23 by an appraisal management company who has the authority
24 to:

25 (A) enter into a contractual relationship with a
26 client for the performance of an appraisal management

1 service or appraisal practice service; and

2 (B) enter into an agreement with an appraiser for
3 the performance of a real estate appraisal activity;

4 (3) an individual who possesses, directly or
5 indirectly, the power to direct or cause the direction of
6 the management or policies of an appraisal management
7 company; or

8 (4) an individual who will act as the sole compliance
9 officer with regard to this Act and any rules adopted
10 under this Act.

11 "Covered transaction" means a consumer credit transaction
12 secured by a consumer's principal dwelling.

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

15 "Email address of record" means the designated email
16 address recorded by the Department in the applicant's
17 application file or the registrant's registration file
18 maintained by the Department's registration maintenance unit.

19 "Entity" means a corporation, a limited liability company,
20 partnership, a sole proprietorship, or other entity providing
21 services or holding itself out to provide services as an
22 appraisal management company or an appraisal management
23 service.

24 "End-user client" means any person who utilizes or engages
25 the services of an appraiser through an appraisal management
26 company.

1 "Federally regulated appraisal management company" means
2 an appraisal management company that is owned and controlled
3 by an insured depository institution, as defined in 12 U.S.C.
4 1813, or an insured credit union, as defined in 12 U.S.C. 1752,
5 and regulated by the Office of the Comptroller of the
6 Currency, the Federal Reserve Board, the National Credit Union
7 Association, or the Federal Deposit Insurance Corporation.

8 "Financial institution" means any bank, savings bank,
9 savings and loan association, credit union, mortgage broker,
10 mortgage banker, registrant under the Consumer Installment
11 Loan Act or the Sales Finance Agency Act, or a corporate
12 fiduciary, subsidiary, affiliate, parent company, or holding
13 company of any registrant, or any institution involved in real
14 estate financing that is regulated by State or federal law.

15 "Foreign appraisal management company" means any appraisal
16 management company organized under the laws of any other state
17 of the United States, the District of Columbia, or any other
18 jurisdiction of the United States.

19 "Hybrid entity" means an appraisal management company that
20 hires an appraiser as an employee to perform an appraisal and
21 engages an independent contractor to perform an appraisal.

22 "Multi-state licensing system" means a web-based platform
23 that allows an applicant to submit the application or
24 registration renewal to the Department online.

25 "Person" means individuals, entities, sole
26 proprietorships, corporations, limited liability companies,

1 and alien, foreign, or domestic partnerships, except that when
2 the context otherwise requires, the term may refer to a single
3 individual or other described entity.

4 "Principal dwelling" means a residential structure that
5 contains one to 4 units, whether or not that structure is
6 attached to real property. "Principal dwelling" includes an
7 individual condominium unit, cooperative unit, manufactured
8 home, mobile home, and trailer, if it is used as a residence.

9 "Principal office" means the actual, physical business
10 address, which shall not be a post office box or a virtual
11 business address, of a registrant, at which (i) the Department
12 may contact the registrant and (ii) records required under
13 this Act are maintained.

14 "Qualified to transact business in this State" means being
15 in compliance with the requirements of the Business
16 Corporation Act of 1983.

17 "Quality control review" means a review of an appraisal
18 report for compliance and completeness, including grammatical,
19 typographical, or other similar errors, unrelated to
20 developing an opinion of value.

21 "Real estate" means an identified parcel or tract of land,
22 including any improvements.

23 "Real estate related financial transaction" means any
24 transaction involving:

- 25 (1) the sale, lease, purchase, investment in, or
26 exchange of real property, including interests in property

1 or the financing thereof;

2 (2) the refinancing of real property or interests in
3 real property; and

4 (3) the use of real property or interest in property
5 as security for a loan or investment, including mortgage
6 backed securities.

7 "Real property" means the interests, benefits, and rights
8 inherent in the ownership of real estate.

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

11 "USPAP" means the Uniform Standards of Professional
12 Appraisal Practice as adopted by the Appraisal Standards Board
13 under Title XI.

14 "Valuation" means any estimate of the value of real
15 property in connection with a creditor's decision to provide
16 credit, including those values developed under a policy of a
17 government sponsored enterprise or by an automated valuation
18 model or other methodology or mechanism.

19 "Written notice" means a communication transmitted by mail
20 or by electronic means that can be verified between an
21 appraisal management company and a licensed or certified real
22 estate appraiser.

23 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21.)

24 (225 ILCS 459/15)

25 Sec. 15. Exemptions.

1 (a) Nothing in this Act shall apply to any of the
2 following:

3 (1) an agency of the federal, State, county, or
4 municipal government or an officer or employee of a
5 governmental ~~government~~ agency, or person, described in
6 this Section when acting within the scope of employment of
7 the officer or employee;

8 (2) a corporate relocation company when the appraisal
9 is not used for mortgage purposes and the end user client
10 is an employer company;

11 (3) any person licensed in this State under any other
12 Act while engaged in the activities or practice for which
13 the person ~~he or she~~ is licensed;

14 (4) any person licensed to practice law in this State
15 who is working with or on behalf of a client of that person
16 in connection with one or more appraisals for that client;

17 (5) an appraiser that enters into an agreement,
18 whether written or otherwise, with another appraiser for
19 the performance of an appraisal, and upon the completion
20 of the appraisal, the report of the appraiser performing
21 the appraisal is signed by both the appraiser who
22 completed the appraisal and the appraiser who requested
23 the completion of the appraisal, except that an appraisal
24 management company may not avoid the requirement of
25 registration under this Act by requiring an employee of
26 the appraisal management company who is an appraiser to

1 sign an appraisal that was completed by another appraiser
2 who is part of the appraisal panel of the appraisal
3 management company;

4 (6) any person acting as an agent of the Illinois
5 Department of Transportation in the acquisition or
6 relinquishment of land for transportation issues to the
7 extent of their contract scope;

8 (7) a design professional entity when the appraisal is
9 not used for mortgage purposes and the end user client is
10 an agency of State government or a unit of local
11 government;

12 (8) an appraiser firm whose ownership is appropriately
13 certified under the Real Estate Appraiser Licensing Act of
14 2002;

15 (9) an appraisal management company solely engaged in
16 non-residential appraisal management services; or

17 (10) a department or division of an entity that
18 provides appraisal management services only to that
19 entity.

20 (b) A federally regulated appraisal management company
21 shall register with the Department for the sole purpose of
22 collecting required information for, and to pay all fees
23 associated with, the State of Illinois' obligation to register
24 the federally regulated appraisal management company with the
25 Appraisal Management Companies National Registry, but the
26 federally regulated appraisal management company is otherwise

1 exempt from all other provisions in this Act.

2 (c) In the event that the Final Interim Rule of the federal
3 Dodd-Frank Wall Street Reform and Consumer Protection Act
4 provides that an appraisal management company is a subsidiary
5 owned and controlled by a financial institution regulated by a
6 federal financial institution's regulatory agency and is
7 exempt from State appraisal management company registration
8 requirements, the Department, shall, by rule, provide for the
9 implementation of such an exemption.

10 (Source: P.A. 102-20, eff. 1-1-22.)

11 (225 ILCS 459/20)

12 Sec. 20. Restrictions and limitations. Beginning January
13 1, 2012, it is unlawful for a person or entity to act or assume
14 to act as an appraisal management company as defined in this
15 Act, to engage in the business of appraisal management
16 service, or to advertise or hold oneself ~~himself or herself~~
17 out to be a registered appraisal management company without
18 first obtaining a registration issued by the Department under
19 this Act. A person or entity that violates this Section is
20 guilty of a Class A misdemeanor for the first offense and a
21 Class 4 felony for second and subsequent offenses.

22 (Source: P.A. 100-604, eff. 7-13-18.)

23 (225 ILCS 459/43)

24 Sec. 43. Application denial. If an application is denied,

1 the applicant may, within 20 days after the date of the notice
2 of denial, make a written request to the Secretary for a
3 hearing on the application, and the Secretary shall set a time
4 and place for the hearing. The hearing shall be set for a date
5 after the receipt by the Secretary of the request for hearing,
6 and notice of the time and place of the hearing shall be
7 communicated to the applicant at least 10 days before the date
8 of the hearing. The applicant shall pay the actual cost of
9 making the transcript of the hearing before the Secretary
10 issues a ~~his or her~~ decision following the hearing. If,
11 following the hearing, the application is denied, the
12 Secretary shall prepare and keep on file ~~in his or her office~~ a
13 written order of denial thereof that shall contain the ~~his or~~
14 ~~her~~ findings and the reasons supporting the denial and shall
15 communicate a copy to the applicant in a manner prescribed by
16 the Department. A decision may be reviewed as provided in
17 Section 135.

18 (Source: P.A. 100-604, eff. 7-13-18.)

19 (225 ILCS 459/45)

20 Sec. 45. Expiration and renewal of registration. The
21 expiration date and renewal period for each registration shall
22 be set by rule. A registrant whose registration has expired
23 may reinstate the ~~his or her~~ registration at any time within 5
24 years after the expiration thereof, by making a renewal
25 application and by paying the required fee.

1 Any registrant whose registration has expired for more
2 than 5 years may have it restored by making an application to
3 the Department, paying the required fee, and filing acceptable
4 proof of fitness to have the registration restored as set by
5 rule.

6 (Source: P.A. 97-602, eff. 8-26-11.)

7 (225 ILCS 459/60)

8 Sec. 60. Returned checks; fines. Any person who delivers
9 a check or other payment to the Department that is returned to
10 the Department unpaid by the financial institution upon which
11 it is drawn shall pay to the Department, in addition to the
12 amount already owed to the Department, a fine of \$50. The fines
13 imposed by this Section are in addition to any other
14 discipline provided under this Act for unregistered practice
15 or practice on a nonrenewed registration. The Department shall
16 notify the person that payment of fees and fines shall be paid
17 to the Department by certified check or money order within 30
18 calendar days of the notification. If, after the expiration of
19 30 days after the date of the notification, the person has
20 failed to submit the necessary remittance, the Department
21 shall automatically terminate the registration or deny the
22 application, without hearing. If, after termination or denial,
23 the person seeks a registration, the person ~~he or she~~ shall
24 apply to the Department for restoration or issuance of the
25 registration and pay all fees and fines due to the Department.

1 The Department may establish a fee for the processing of an
2 application for restoration of a registration to pay all
3 expenses of processing this application. The Secretary may
4 waive the fines due under this Section in individual cases
5 where the Secretary finds that the fines would be unreasonable
6 or unnecessarily burdensome.

7 (Source: P.A. 97-602, eff. 8-26-11.)

8 (225 ILCS 459/65)

9 Sec. 65. Disciplinary actions.

10 (a) The Department may refuse to issue or renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action as the Department may
13 deem appropriate, including imposing fines not to exceed
14 \$25,000 for each violation upon any registrant or applicant
15 under this Act or entity who holds oneself or itself out as an
16 applicant or registrant, for any one or combination of the
17 following:

18 (1) Material misstatement in furnishing information to
19 the Department.

20 (2) Violations of this Act or of the rules adopted
21 under this Act.

22 (3) Conviction of or entry of a plea of guilty or nolo
23 contendere to any crime that is a felony under the laws of
24 the United States or any state or territory thereof or
25 that is a misdemeanor of which an essential element is

1 dishonesty, or any crime that is directly related to the
2 practice of the profession.

3 (4) Making any misrepresentation for the purpose of
4 obtaining registration or violating any provision of this
5 Act or the rules adopted under this Act pertaining to
6 advertising.

7 (5) Professional incompetence.

8 (6) Gross malpractice.

9 (7) Aiding or assisting another person in violating
10 any provision of this Act, the Illinois Real Estate
11 Appraiser Licensing Act of 2002, or the ~~or~~ rules adopted
12 under either ~~this~~ Act.

13 (8) Failing, within 30 days after requested, to
14 provide information in response to a written request made
15 by the Department.

16 (9) Engaging in dishonorable, unethical, or
17 unprofessional conduct of a character likely to deceive,
18 defraud, or harm the public.

19 (10) Discipline by another state, the District of
20 Columbia, a territory, or a foreign nation, if at least
21 one of the grounds for the discipline is the same or
22 substantially equivalent to those set forth in this
23 Section.

24 (11) A finding by the Department that the registrant,
25 after having the registrant's registration placed on
26 probationary status, has violated the terms of probation.

1 (12) Willfully making or filing false records or
2 reports in the registrant's practice, including, but not
3 limited to, false records filed with State agencies or
4 departments.

5 (13) Filing false statements for collection of fees
6 for which services are not rendered.

7 (14) Practicing under a false or, except as provided
8 by law, an assumed name.

9 (15) Fraud or misrepresentation in applying for, or
10 procuring, a registration under this Act or in connection
11 with applying for renewal of a registration under this
12 Act.

13 (16) Being adjudicated liable in a civil proceeding
14 for violation of a state or federal fair housing law.

15 (17) (Blank). ~~Failure to obtain or maintain the bond~~
16 ~~required under Section 50 of this Act.~~

17 (18) Failure to pay appraiser panel fees or appraisal
18 management company national registry fees.

19 (19) Violating the terms of any order issued by the
20 Department.

21 (b) The Department may refuse to issue or may suspend
22 without hearing as provided for in the Department of
23 Professional Regulation Law of the Civil Administrative Code
24 of Illinois the registration of any person who fails to file a
25 return, or to pay the tax, penalty, or interest shown in a
26 filed return, or to pay any final assessment of the tax,

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

4 (b-5) The Department may refuse to issue or renew or may
5 suspend without hearing as provided for in the Department of
6 Professional Regulation Law of the Civil Administrative Code
7 of Illinois the registration of any person who fails to pay or
8 secure workers' compensation obligations as determined by and
9 based solely upon the certification of the Department of
10 Insurance or the Illinois Workers' Compensation Commission.

11 (c) An appraisal management company shall not be
12 registered or included on the national registry if the
13 company, in whole or in part, directly or indirectly, is owned
14 by a person who has had an appraiser license or certificate
15 refused, denied, canceled, surrendered in lieu of revocation,
16 or revoked under the Real Estate Appraiser Licensing Act of
17 2002 or the rules adopted under that Act, or similar
18 discipline by another state, the District of Columbia, a
19 territory, a foreign nation, a governmental agency, or an
20 entity authorized to impose discipline if at least one of the
21 grounds for that discipline is the same as or the equivalent of
22 one of the grounds for which a licensee may be disciplined as
23 set forth under this Section.

24 (Source: P.A. 103-236, eff. 1-1-24; revised 6-24-25.)

1 Sec. 75. Investigations; notice and hearing. The
2 Department may investigate the actions of any person who is an
3 applicant or of any person or persons rendering or offering to
4 render any services requiring registration under this Act or
5 any person holding or claiming to hold a registration as an
6 appraisal management company. The Department shall, before
7 revoking, suspending, placing on probation, reprimanding, or
8 taking any other disciplinary or non-disciplinary action under
9 Section 65 or Section 165 of this Act, at least 30 days before
10 the date set for the hearing, (i) notify the person charged in
11 writing of the charges made and the time and place for the
12 hearing on the charges, (ii) direct the person to file a
13 written answer to the charges with the Department under oath
14 within 20 days after service of the notice, and (iii) inform
15 the person that, if the person fails to answer, default will be
16 entered or that the person's registration may be suspended,
17 revoked, placed on probationary status, or other disciplinary
18 action taken with regard to the registration, including
19 limiting the scope, nature, or extent of the person's
20 practice, as the Department may consider proper. At the time
21 and place fixed in the notice, the Department shall proceed to
22 hear the charges and the parties or their counsel shall be
23 accorded ample opportunity to present any pertinent
24 statements, testimony, evidence, and arguments. The Department
25 may continue the hearing from time to time. In case the person,
26 after receiving the notice, fails to file an answer, the

1 person's registration may, in the discretion of the
2 Department, be suspended, revoked, placed on probationary
3 status, or the Department may take whatever disciplinary
4 action considered proper, including limiting the scope,
5 nature, or extent of the person's practice or the imposition
6 of a fine, without a hearing, if the act or acts charged
7 constitute sufficient grounds for that action under this Act.
8 The written notice may be served by certified mail or
9 electronic mail to the last address of record or email address
10 of record as provided to the Department or, if in the course of
11 the administrative proceeding the party has previously
12 designated a specific email address at which to accept
13 electronic service for that specific proceeding, by sending a
14 copy by email to the party's email address on record.

15 (Source: P.A. 103-236, eff. 1-1-24.)

16 (225 ILCS 459/105)

17 Sec. 105. Secretary; rehearing. Whenever the Secretary
18 believes that substantial justice has not been done in the
19 revocation, suspension, or refusal to issue, restore, or renew
20 a registration, or other discipline of an applicant or
21 registrant, the Secretary ~~he or she~~ may order a rehearing by
22 the same or other hearing officers.

23 (Source: P.A. 97-602, eff. 8-26-11.)

24 (225 ILCS 459/110)

1 Sec. 110. Appointment of a hearing officer. The Secretary
2 has the authority to appoint any attorney licensed to practice
3 law in the State to serve as the hearing officer in any action
4 for refusal to issue, restore, or renew a registration or to
5 discipline a registrant. The hearing officer has full
6 authority to conduct the hearing. The hearing officer shall
7 report the ~~his or her~~ findings of fact, conclusions of law, and
8 recommendations to the Secretary. If the Secretary disagrees
9 with the recommendation of the hearing officer, the Secretary
10 may issue an order in contravention of the recommendation.

11 (Source: P.A. 97-602, eff. 8-26-11.)

12 (225 ILCS 459/125)

13 Sec. 125. Surrender of registration. Upon the revocation
14 or suspension of a registration, the registrant shall
15 immediately surrender the ~~his or her~~ registration to the
16 Department. If the registrant fails to do so, the Department
17 has the right to seize the registration.

18 (Source: P.A. 97-602, eff. 8-26-11.)

19 (225 ILCS 459/165)

20 Sec. 165. Prohibited activities.

21 (a) No person or entity acting in the capacity of an
22 appraisal management company shall improperly influence or
23 attempt to improperly influence the development, reporting,
24 result, or review of any appraisal by engaging, without

1 limitation, in any of the following:

2 (1) Withholding or threatening to withhold timely
3 payment for a completed appraisal, except where addressed
4 in a mutually agreed upon contract.

5 (2) Withholding or threatening to withhold, either
6 expressed or by implication, future business from, or
7 demoting, or terminating, or threatening to demote or
8 terminate an Illinois licensed or certified appraiser.

9 (3) Expressly or impliedly promising future business,
10 promotions, or increased compensation for an independent
11 appraiser.

12 (4) Conditioning an assignment for an appraisal
13 service or the payment of an appraisal fee or salary or
14 bonus on the opinion, conclusion, or valuation to be
15 reached in an appraisal report.

16 (5) Requesting that an appraiser provide an estimated,
17 predetermined, or desired valuation in an appraisal report
18 or provide estimated values or sales at any time prior to
19 the appraiser's completion of an appraisal report.

20 (6) Allowing or directing the removal of an appraiser
21 from an appraisal panel without prior written notice to
22 the appraiser.

23 (7) Requiring an appraiser to sign a non-compete
24 clause when not an employee of the entity.

25 (8) Requiring an appraiser to sign any sort of
26 indemnification agreement that would require the appraiser

1 to defend and hold harmless the appraisal management
2 company or any of its agents, employees, or independent
3 contractors for any liability, damage, losses, or claims
4 arising out of the services performed by the appraisal
5 management company or its agents, employees, or
6 independent contractors and not the services performed by
7 the appraiser.

8 (9) Prohibiting or attempting to prohibit the
9 appraiser from including or referencing the appraisal fee,
10 the appraisal management company name or identity, or the
11 client's or lender's name or identity within the body of
12 the appraisal report.

13 (10) Requiring ~~Require~~ an appraiser to collect a fee
14 from the borrower or occupant of the property to be
15 appraised.

16 (11) Knowingly withholding any end-user client
17 guidelines, policies, requirements, standards, assignment
18 conditions, and special instructions from an appraiser
19 prior to the acceptance of an appraisal assignment.

20 (b) A person or entity may not structure an appraisal
21 assignment or a contract with an independent appraiser for the
22 purpose of evading the provisions of this Act.

23 (c) No registrant or other person or entity may alter,
24 modify, or otherwise change a completed appraisal report
25 submitted by an independent appraiser, including without
26 limitation, by doing either of the following:

1 (1) permanently or temporarily removing the
2 appraiser's signature or seal; or

3 (2) adding information to, or removing information
4 from, the appraisal report with an intent to change the
5 value conclusion or the condition of the property.

6 (d) No appraisal management company may require an
7 appraiser to provide it with the appraiser's digital signature
8 or seal. However, nothing in this Act shall be deemed to
9 prohibit an appraiser from voluntarily providing the
10 appraiser's ~~his or her~~ digital signature or seal to another
11 person on an assignment-by-assignment basis, in accordance
12 with USPAP.

13 (e) Nothing in this Act shall prohibit an appraisal
14 management company from requesting that an appraiser:

15 (1) consider additional appropriate property
16 information, including the consideration of additional
17 comparable properties to make or support an appraisal;

18 (2) provide further detail, substantiation, or
19 explanation for the appraiser's value conclusion; or

20 (3) correct factual errors in the appraisal report.

21 (Source: P.A. 97-602, eff. 8-26-11.)

22 (225 ILCS 459/50 rep.)

23 Section 55. The Appraisal Management Company Registration
24 Act is amended by repealing Section 50.

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.