

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 changing  
5 Sections 4.30 and 4.32 as follows:

6 (5 ILCS 80/4.30)

7 Sec. 4.30. Acts repealed on January 1, 2020. The following  
8 Acts are repealed on January 1, 2020:

9 The Auction License Act.

10 The Community Association Manager Licensing and  
11 Disciplinary Act.

12 The Illinois Architecture Practice Act of 1989.

13 The Illinois Landscape Architecture Act of 1989.

14 The Illinois Professional Land Surveyor Act of 1989.

15 ~~The Land Sales Registration Act of 1999.~~

16 The Orthotics, Prosthetics, and Pedorthics Practice Act.

17 The Perfusionist Practice Act.

18 The Professional Engineering Practice Act of 1989.

19 The Real Estate License Act of 2000.

20 The Structural Engineering Practice Act of 1989.

21 (Source: P.A. 96-610, eff. 8-24-09; 96-626, eff. 8-24-09;  
22 96-682, eff. 8-25-09; 96-726, eff. 7-1-10; 96-730, eff.  
23 8-25-09; 96-855, eff. 12-31-09; 96-856, eff. 12-31-09;

1 96-1000, eff. 7-2-10.)

2 (5 ILCS 80/4.32)

3 Sec. 4.32. Acts repealed on January 1, 2022. The following  
4 Acts are repealed on January 1, 2022:

5 The Boxing and Full-contact Martial Arts Act.

6 The Collateral Recovery Act.

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

8 The Home Inspector License Act.

9 The Interior Design Title Act.

10 The Massage Licensing Act.

11 The Petroleum Equipment Contractors Licensing Act.

12 The Real Estate Appraiser Licensing Act of 2002.

13 The Water Well and Pump Installation Contractor's License  
14 Act.

15 (Source: P.A. 97-24, eff. 6-28-11; 97-119, eff. 7-14-11;  
16 97-168, eff. 7-22-11; 97-226, eff. 7-28-11; 97-428, eff.  
17 8-16-11; 97-514, eff. 8-23-11; 97-576, eff. 7-1-12; 97-598,  
18 eff. 8-26-11; 97-602, eff. 8-26-11; 97-813, eff. 7-13-12.)

19 (225 ILCS 401/Act rep.)

20 Section 10. The Illinois Athlete Agents Act is repealed.

21 Section 15. The Auction License Act is amended by changing  
22 Sections 5-10 and 10-1 as follows:

1 (225 ILCS 407/5-10)

2 (Section scheduled to be repealed on January 1, 2020)

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

4 "Advertisement" means any written, oral, or electronic  
5 communication that contains a promotion, inducement, or offer  
6 to conduct an auction or offer to provide an auction service,  
7 including but not limited to brochures, pamphlets, radio and  
8 television scripts, telephone and direct mail solicitations,  
9 electronic media, and other means of promotion.

10 "Advisory Board" or "Board" means the Auctioneer Advisory  
11 Board.

12 "Associate auctioneer" means a person who conducts an  
13 auction, but who is under the direct supervision of, and is  
14 sponsored by, a licensed auctioneer or auction firm.

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

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

25 "Auction firm" means any corporation, partnership, or  
26 limited liability company that acts as an auctioneer and

1 provides an auction service.

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

5 "Auction service" means the service of arranging,  
6 managing, advertising, or conducting auctions.

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

17 "Address of Record" means the designated address recorded  
18 by the Department in the applicant's or licensee's application  
19 file or license file maintained by the Department. It is the  
20 duty of the applicant or licensee to inform the Department of  
21 any change of address, and such changes must be made either  
22 through the Department's website or by directly contacting the  
23 Department.

24 "Buyer premium" means any fee or compensation paid by the  
25 successful purchaser of property sold or leased at or by  
26 auction, to the auctioneer, auction firms, seller, lessor, or

1 other party to the transaction, other than the purchase price.

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

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

7 "Interactive computer service" means any information  
8 service, system, or access software provider that provides or  
9 enables computer access by multiple users to a computer server,  
10 including specifically a service or system that provides access  
11 to the Internet.

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

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

22 "Managing auctioneer" means any person licensed as an  
23 auctioneer who manages and supervises licensees sponsored by an  
24 auction firm or auctioneer.

25 "Person" means an individual, association, partnership,  
26 corporation, or limited liability company or the officers,

1 directors, or employees of the same.

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

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

6 "Secretary" means the Secretary of the Department of  
7 Financial and Professional Regulation or his or her designee.

8 "Sponsoring auctioneer" means the auctioneer or auction  
9 firm who has issued a sponsor card to a licensed auctioneer.

10 "Sponsor card" means the temporary permit issued by the  
11 sponsoring auctioneer certifying that the licensee named  
12 thereon is employed by or associated with the sponsoring  
13 auctioneer and the sponsoring auctioneer shall be responsible  
14 for the actions of the sponsored licensee.

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

16 (225 ILCS 407/10-1)

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

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

19 (a) It is unlawful for any person, corporation, limited  
20 liability company, partnership, or other entity to conduct an  
21 auction, provide an auction service, hold himself or herself  
22 out as an auctioneer, or advertise his or her services as an  
23 auctioneer in the State of Illinois without a license issued by  
24 the Department under this Act, except at:

25 (1) an auction conducted solely by or for a

1 not-for-profit organization for charitable purposes in  
2 which the individual receives no compensation;

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

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

9 (4) an auction conducted by a business registered as a  
10 market agency under the federal Packers and Stockyards Act  
11 (7 U.S.C. 181 et seq.) or under the Livestock Auction  
12 Market Law;

13 (5) an auction conducted by an agent, officer, or  
14 employee of a federal agency in the conduct of his or her  
15 official duties; and

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

19 (b) Nothing in this Act shall be construed to apply to a  
20 new or used vehicle dealer or a vehicle auctioneer licensed by  
21 the Secretary of State of Illinois, or to any employee of the  
22 licensee, who is a resident of the State of Illinois, while the  
23 employee is acting in the regular scope of his or her  
24 employment for the licensee while conducting an auction that is  
25 not open to the public, provided that only new or used vehicle  
26 dealers, rebuilders, automotive parts recyclers, or scrap

1 processors licensed by the Secretary of State or licensed by  
2 another state or jurisdiction may buy property at the auction,  
3 or to sales by or through the licensee. Out-of-state salvage  
4 vehicle buyers licensed in another state or jurisdiction may  
5 also buy property at the auction.

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

10 (d) Nothing in this Act, ~~except Section 10-27,~~ shall be  
11 construed to apply to a person ~~while~~ providing an Internet  
12 auction listing service as defined in Section 5-10 ~~10-27~~.

13 (Source: P.A. 95-572, eff. 6-1-08; 95-783, eff. 1-1-09; 96-730,  
14 eff. 8-25-09.)

15 (225 ILCS 407/10-27 rep.)

16 Section 20. The Auction License Act is amended by repealing  
17 Section 10-27.

18 (225 ILCS 430/Act rep.)

19 Section 25. The Detection of Deception Examiners Act is  
20 repealed.

21 Section 30. The Real Estate License Act of 2000 is amended  
22 by changing Sections 1-10, 5-20, 20-20, and 20-85 as follows:



1 (225 ILCS 454/1-10)

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

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

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

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

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

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

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

22 "Blind advertisement" means any real estate advertisement  
23 that does not include the sponsoring broker's business name and  
24 that is used by any licensee regarding the sale or lease of  
25 real estate, including his or her own, licensed activities, or  
26 the hiring of any licensee under this Act. The broker's

1 business name in the case of a franchise shall include the  
2 franchise affiliation as well as the name of the individual  
3 firm.

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

7 "Branch office" means a sponsoring broker's office other  
8 than the sponsoring broker's principal office.

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

15 (1) Sells, exchanges, purchases, rents, or leases real  
16 estate.

17 (2) Offers to sell, exchange, purchase, rent, or lease  
18 real estate.

19 (3) Negotiates, offers, attempts, or agrees to  
20 negotiate the sale, exchange, purchase, rental, or leasing  
21 of real estate.

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

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

26 (6) Supervises the collection, offer, attempt, or

1 agreement to collect rent for the use of real estate.

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

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

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

11 (10) Opens real estate to the public for marketing  
12 purposes.

13 (11) Sells, rents, leases, or offers for sale or lease  
14 real estate at auction.

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

19 "Brokerage agreement" means a written or oral agreement  
20 between a sponsoring broker and a consumer for licensed  
21 activities to be provided to a consumer in return for  
22 compensation or the right to receive compensation from another.  
23 Brokerage agreements may constitute either a bilateral or a  
24 unilateral agreement between the broker and the broker's client  
25 depending upon the content of the brokerage agreement. All  
26 exclusive brokerage agreements shall be in writing.

1 "Broker price opinion" means an estimate or analysis of the  
2 probable selling price of a particular interest in real estate,  
3 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 sale  
10 or rental of real estate.

11 "Client" means a person who is being represented by a  
12 licensee.

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

26 "Compensation" means the valuable consideration given by

1 one person or entity to another person or entity in exchange  
2 for the performance of some activity or service. Compensation  
3 shall include the transfer of valuable consideration,  
4 including without limitation the following:

5 (1) commissions;

6 (2) referral fees;

7 (3) bonuses;

8 (4) prizes;

9 (5) merchandise;

10 (6) finder fees;

11 (7) performance of services;

12 (8) coupons or gift certificates;

13 (9) discounts;

14 (10) rebates;

15 (11) a chance to win a raffle, drawing, lottery, or  
16 similar game of chance not prohibited by any other law or  
17 statute;

18 (12) retainer fee; or

19 (13) salary.

20 "Confidential information" means information obtained by a  
21 licensee from a client during the term of a brokerage agreement  
22 that (i) was made confidential by the written request or  
23 written instruction of the client, (ii) deals with the  
24 negotiating position of the client, or (iii) is information the  
25 disclosure of which could materially harm the negotiating  
26 position of the client, unless at any time:

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

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

4           (3) the information becomes public from a source other  
5           than the licensee.

6           "Confidential information" shall not be considered to  
7           include material information about the physical condition of  
8           the property.

9           "Consumer" means a person or entity seeking or receiving  
10          licensed activities.

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

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

16          "Credit hour" means 50 minutes of classroom instruction in  
17          course work that meets the requirements set forth in rules  
18          adopted by the Department.

19          "Customer" means a consumer who is not being represented by  
20          the licensee but for whom the licensee is performing  
21          ministerial acts.

22          "Department" means the Department of Financial and  
23          Professional Regulation.

24          "Designated agency" means a contractual relationship  
25          between a sponsoring broker and a client under Section 15-50 of  
26          this Act in which one or more licensees associated with or

1 employed by the broker are designated as agent of the client.

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

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

12 "Employee" or other derivative of the word "employee", when  
13 used to refer to, describe, or delineate the relationship  
14 between a sponsoring broker and a managing broker, broker, or a  
15 leasing agent, shall be construed to include an independent  
16 contractor relationship, provided that a written agreement  
17 exists that clearly establishes and states the relationship.  
18 All responsibilities of a broker shall remain.

19 "Escrow moneys" means all moneys, promissory notes or any  
20 other type or manner of legal tender or financial consideration  
21 deposited with any person for the benefit of the parties to the  
22 transaction. A transaction exists once an agreement has been  
23 reached and an accepted real estate contract signed or lease  
24 agreed to by the parties. Escrow moneys includes without  
25 limitation earnest moneys and security deposits, except those  
26 security deposits in which the person holding the security

1 deposit is also the sole owner of the property being leased and  
2 for which the security deposit is being held.

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

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

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

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

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

26 "Leasing Agent" means a person who is employed by a broker



1 to engage in licensed activities limited to leasing residential  
2 real estate who has obtained a license as provided for in  
3 Section 5-5 of this Act.

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

7 "Licensed activities" means those activities listed in the  
8 definition of "broker" under this Section.

9 "Licensee" means any person, as defined in this Section,  
10 who holds a valid unexpired license as a managing broker,  
11 broker, or leasing agent.

12 "Listing presentation" means a communication between a  
13 managing broker or broker and a consumer in which the licensee  
14 is attempting to secure a brokerage agreement with the consumer  
15 to market the consumer's real estate for sale or lease.

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

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

23 "Ministerial acts" means those acts that a licensee may  
24 perform for a consumer that are informative or clerical in  
25 nature and do not rise to the level of active representation on  
26 behalf of a consumer. Examples of these acts include without

1 limitation (i) responding to phone inquiries by consumers as to  
2 the availability and pricing of brokerage services, (ii)  
3 responding to phone inquiries from a consumer concerning the  
4 price or location of property, (iii) attending an open house  
5 and responding to questions about the property from a consumer,  
6 (iv) setting an appointment to view property, (v) responding to  
7 questions of consumers walking into a licensee's office  
8 concerning brokerage services offered or particular  
9 properties, (vi) accompanying an appraiser, inspector,  
10 contractor, or similar third party on a visit to a property,  
11 (vii) describing a property or the property's condition in  
12 response to a consumer's inquiry, (viii) completing business or  
13 factual information for a consumer on an offer or contract to  
14 purchase on behalf of a client, (ix) showing a client through a  
15 property being sold by an owner on his or her own behalf, or  
16 (x) referral to another broker or service provider.

17 "Office" means a broker's place of business where the  
18 general public is invited to transact business and where  
19 records may be maintained and licenses displayed, whether or  
20 not it is the broker's principal place of business.

21 "Person" means and includes individuals, entities,  
22 corporations, limited liability companies, registered limited  
23 liability partnerships, and partnerships, foreign or domestic,  
24 except that when the context otherwise requires, the term may  
25 refer to a single individual or other described entity.

26 "Personal assistant" means a licensed or unlicensed person

1 who has been hired for the purpose of aiding or assisting a  
2 sponsored licensee in the performance of the sponsored  
3 licensee's job.

4 "Pocket card" means the card issued by the Department to  
5 signify that the person named on the card is currently licensed  
6 under this Act.

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

11 "Pre-renewal period" means the period between the date of  
12 issue of a currently valid license and the license's expiration  
13 date.

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

18 "Real estate" means and includes leaseholds as well as any  
19 other interest or estate in land, whether corporeal,  
20 incorporeal, freehold, or non-freehold, ~~including timeshare~~  
21 ~~interests,~~ and whether the real estate is situated in this  
22 State or elsewhere. "Real estate" does not include property  
23 sold, exchanged, or leased as a timeshare or similar vacation  
24 item or interest, vacation club membership, or other activity  
25 formerly regulated under the Real Estate Timeshare Act of 1999  
26 (repealed).

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

7 "Secretary" means the Secretary of the Department of  
8 Financial and Professional Regulation, or a person authorized  
9 by the Secretary to act in the Secretary's stead.

10 "Sponsoring broker" means the broker who has issued a  
11 sponsor card to a licensed managing broker, broker, or a  
12 leasing agent.

13 "Sponsor card" means the temporary permit issued by the  
14 sponsoring broker certifying that the managing broker, broker,  
15 or leasing agent named thereon is employed by or associated by  
16 written agreement with the sponsoring broker, as provided for  
17 in Section 5-40 of this Act.

18 (Source: P.A. 98-531, eff. 8-23-13; 98-1109, eff. 1-1-15;  
19 99-227, eff. 8-3-15.)

20 (225 ILCS 454/5-20)

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

22 Sec. 5-20. Exemptions from managing broker, broker, or  
23 leasing agent license requirement. The requirement for holding  
24 a license under this Article 5 shall not apply to:

25 (1) Any person, partnership, or corporation that as

1 owner or lessor performs any of the acts described in the  
2 definition of "broker" under Section 1-10 of this Act with  
3 reference to property owned or leased by it, or to the  
4 regular employees thereof with respect to the property so  
5 owned or leased, where such acts are performed in the  
6 regular course of or as an incident to the management,  
7 sale, or other disposition of such property and the  
8 investment therein, provided that such regular employees  
9 do not perform any of the acts described in the definition  
10 of "broker" under Section 1-10 of this Act in connection  
11 with a vocation of selling or leasing any real estate or  
12 the improvements thereon not so owned or leased.

13 (2) An attorney in fact acting under a duly executed  
14 and recorded power of attorney to convey real estate from  
15 the owner or lessor or the services rendered by an attorney  
16 at law in the performance of the attorney's duty as an  
17 attorney at law.

18 (3) Any person acting as receiver, trustee in  
19 bankruptcy, administrator, executor, or guardian or while  
20 acting under a court order or under the authority of a will  
21 or testamentary trust.

22 (4) Any person acting as a resident manager for the  
23 owner or any employee acting as the resident manager for a  
24 broker managing an apartment building, duplex, or  
25 apartment complex, when the resident manager resides on the  
26 premises, the premises is his or her primary residence, and

1 the resident manager is engaged in the leasing of the  
2 property of which he or she is the resident manager.

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

5 (6) Any officer or employee of the State government or  
6 any political subdivision thereof performing official  
7 duties.

8 (7) Any multiple listing service or other similar  
9 information exchange that is engaged in the collection and  
10 dissemination of information concerning real estate  
11 available for sale, purchase, lease, or exchange for the  
12 purpose of providing licensees with a system by which  
13 licensees may cooperatively share information along with  
14 which no other licensed activities, as defined in Section  
15 1-10 of this Act, are provided.

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

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

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

16           (11) The purchase, sale, or transfer of a timeshare or  
17 similar vacation item or interest, vacation club  
18 membership, or other activity formerly regulated under the  
19 Real Estate Timeshare Act of 1999 (repealed) ~~An exchange~~  
20 ~~company registered under the Real Estate Timeshare Act of~~  
21 ~~1999 and the regular employees of that registered exchange~~  
22 ~~company but only when conducting an exchange program as~~  
23 ~~defined in that Act.~~

24           (12) (Blank). ~~An existing timeshare owner who, for~~  
25 ~~compensation, refers prospective purchasers, but only if~~  
26 ~~the existing timeshare owner (i) refers no more than 20~~

~~prospective purchasers in any calendar year, (ii) receives no more than \$1,000, or its equivalent, for referrals in any calendar year and (iii) limits his or her activities to referring prospective purchasers of timeshare interests to the developer or the developer's employees or agents, and does not show, discuss terms or conditions of purchase or otherwise participate in negotiations with regard to timeshare interests.~~

(13) Any person who is licensed without examination under Section 10-25 (now repealed) of the Auction License Act is exempt from holding a managing broker's or broker's license under this Act for the limited purpose of selling or leasing real estate at auction, so long as:

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

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

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

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

(14) A person who holds a valid license under the



1 Auction License Act and a valid real estate auction  
2 certification and conducts auctions for the sale of real  
3 estate under Section 5-32 of this Act.

4 (15) A hotel operator who is registered with the  
5 Illinois Department of Revenue and pays taxes under the  
6 Hotel Operators' Occupation Tax Act and rents a room or  
7 rooms in a hotel as defined in the Hotel Operators'  
8 Occupation Tax Act for a period of not more than 30  
9 consecutive days and not more than 60 days in a calendar  
10 year.

11 (Source: P.A. 98-553, eff. 1-1-14; 99-227, eff. 8-3-15.)

12 (225 ILCS 454/20-20)

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

14 Sec. 20-20. Grounds for discipline.

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

24 (1) Fraud or misrepresentation in applying for, or  
25 procuring, a license under this Act or in connection with

1 applying for renewal of a license under this Act.

2 (2) The conviction of or plea of guilty or plea of nolo  
3 contendere to a felony or misdemeanor in this State or any  
4 other jurisdiction; or the entry of an administrative  
5 sanction by a government agency in this State or any other  
6 jurisdiction. Action taken under this paragraph (2) for a  
7 misdemeanor or an administrative sanction is limited to a  
8 misdemeanor or administrative sanction that has as an  
9 essential element dishonesty or fraud or involves larceny,  
10 embezzlement, or obtaining money, property, or credit by  
11 false pretenses or by means of a confidence game.

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

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

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

1 copy of the record of the action by the other state or  
2 jurisdiction shall be prima facie evidence thereof.

3 (6) Engaging in the practice of real estate brokerage  
4 without a license or after the licensee's license was  
5 expired or while the license was inoperative.

6 (7) Cheating on or attempting to subvert the Real  
7 Estate License Exam or continuing education exam.

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

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

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

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

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

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

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

26 (15) Representing or attempting to represent a broker

1 other than the sponsoring broker.

2 (16) Failure to account for or to remit any moneys or  
3 documents coming into his or her possession that belong to  
4 others.

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

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

23 (B) deemed abandoned and transferred to the Office  
24 of the State Treasurer to be handled as unclaimed  
25 property pursuant to the Uniform Disposition of  
26 Unclaimed Property Act. Escrow moneys may be deemed

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

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

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

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

22          (20) Failure of a sponsoring broker to timely provide  
23          information, sponsor cards, or termination of licenses to  
24          the Department.

25          (21) Engaging in dishonorable, unethical, or  
26          unprofessional conduct of a character likely to deceive,

1 defraud, or harm the public.

2 (22) Commingling the money or property of others with  
3 his or her own money or property.

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

8 (24) Permitting the use of his or her license as a  
9 broker to enable a leasing agent or unlicensed person to  
10 operate a real estate business without actual  
11 participation therein and control thereof by the broker.

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

15 (26) Displaying a "for rent" or "for sale" sign on any  
16 property without the written consent of an owner or his or  
17 her duly authorized agent or advertising by any means that  
18 any property is for sale or for rent without the written  
19 consent of the owner or his or her authorized agent.

20 (27) Failing to provide information requested by the  
21 Department, or otherwise respond to that request, within 30  
22 days of the request.

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

25 (29) Offering guaranteed sales plans, as defined in  
26 clause (A) of this subdivision (29), except to the extent

1           hereinafter set forth:

2                   (A) A "guaranteed sales plan" is any real estate  
3                   purchase or sales plan whereby a licensee enters into a  
4                   conditional or unconditional written contract with a  
5                   seller, prior to entering into a brokerage agreement  
6                   with the seller, by the terms of which a licensee  
7                   agrees to purchase a property of the seller within a  
8                   specified period of time at a specific price in the  
9                   event the property is not sold in accordance with the  
10                  terms of a brokerage agreement to be entered into  
11                  between the sponsoring broker and the seller.

12                  (B) A licensee offering a guaranteed sales plan  
13                  shall provide the details and conditions of the plan in  
14                  writing to the party to whom the plan is offered.

15                  (C) A licensee offering a guaranteed sales plan  
16                  shall provide to the party to whom the plan is offered  
17                  evidence of sufficient financial resources to satisfy  
18                  the commitment to purchase undertaken by the broker in  
19                  the plan.

20                  (D) Any licensee offering a guaranteed sales plan  
21                  shall undertake to market the property of the seller  
22                  subject to the plan in the same manner in which the  
23                  broker would market any other property, unless the  
24                  agreement with the seller provides otherwise.

25                  (E) The licensee cannot purchase seller's property  
26                  until the brokerage agreement has ended according to

1           its terms or is otherwise terminated.

2           (F) Any licensee who fails to perform on a  
3           guaranteed sales plan in strict accordance with its  
4           terms shall be subject to all the penalties provided in  
5           this Act for violations thereof and, in addition, shall  
6           be subject to a civil fine payable to the party injured  
7           by the default in an amount of up to \$25,000.

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

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

21          (32) Inducing any party to a contract of sale or lease  
22          or brokerage agreement to break the contract of sale or  
23          lease or brokerage agreement for the purpose of  
24          substituting, in lieu thereof, a new contract for sale or  
25          lease or brokerage agreement with a third party.

26          (33) Negotiating a sale, exchange, or lease of real



1 estate directly with any person if the licensee knows that  
2 the person has an exclusive brokerage agreement with  
3 another broker, unless specifically authorized by that  
4 broker.

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

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

22 (36) (Blank). ~~Disregarding or violating any provision~~  
23 ~~of the Land Sales Registration Act of 1989, the Illinois~~  
24 ~~Real Estate Time Share Act, or the published rules~~  
25 ~~promulgated by the Department to enforce those Acts.~~

26 (37) Violating the terms of a disciplinary order issued

1 by the Department.

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

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

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

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

19 (42) Habitual or excessive use or addiction to alcohol,  
20 narcotics, stimulants, or any other chemical agent or drug  
21 that results in a managing broker, broker, or leasing  
22 agent's inability to practice with reasonable skill or  
23 safety.

24 (43) Enabling, aiding, or abetting an auctioneer, as  
25 defined in the Auction License Act, to conduct a real  
26 estate auction in a manner that is in violation of this

1 Act.

2 (b) The Department may refuse to issue or renew or may  
3 suspend the license of any person who fails to file a return,  
4 pay the tax, penalty or interest shown in a filed return, or  
5 pay any final assessment of tax, penalty, or interest, as  
6 required by any tax Act administered by the Department of  
7 Revenue, until such time as the requirements of that tax Act  
8 are satisfied in accordance with subsection (g) of Section  
9 2105-15 of the Civil Administrative Code of Illinois.

10 (c) The Department shall deny a license or renewal  
11 authorized by this Act to a person who has defaulted on an  
12 educational loan or scholarship provided or guaranteed by the  
13 Illinois Student Assistance Commission or any governmental  
14 agency of this State in accordance with item (5) of subsection  
15 (a) of Section 2105-15 of the Civil Administrative Code of  
16 Illinois.

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

1 of the Civil Administrative Code of Illinois.

2 (e) In enforcing this Section, the Department or Board upon  
3 a showing of a possible violation may compel an individual  
4 licensed to practice under this Act, or who has applied for  
5 licensure under this Act, to submit to a mental or physical  
6 examination, or both, as required by and at the expense of the  
7 Department. The Department or Board may order the examining  
8 physician to present testimony concerning the mental or  
9 physical examination of the licensee or applicant. No  
10 information shall be excluded by reason of any common law or  
11 statutory privilege relating to communications between the  
12 licensee or applicant and the examining physician. The  
13 examining physicians shall be specifically designated by the  
14 Board or Department. The individual to be examined may have, at  
15 his or her own expense, another physician of his or her choice  
16 present during all aspects of this examination. Failure of an  
17 individual to submit to a mental or physical examination, when  
18 directed, shall be grounds for suspension of his or her license  
19 until the individual submits to the examination if the  
20 Department finds, after notice and hearing, that the refusal to  
21 submit to the examination was without reasonable cause.

22 If the Department or Board finds an individual unable to  
23 practice because of the reasons set forth in this Section, the  
24 Department or Board may require that individual to submit to  
25 care, counseling, or treatment by physicians approved or  
26 designated by the Department or Board, as a condition, term, or

1 restriction for continued, reinstated, or renewed licensure to  
2 practice; or, in lieu of care, counseling, or treatment, the  
3 Department may file, or the Board may recommend to the  
4 Department to file, a complaint to immediately suspend, revoke,  
5 or otherwise discipline the license of the individual. An  
6 individual whose license was granted, continued, reinstated,  
7 renewed, disciplined or supervised subject to such terms,  
8 conditions, or restrictions, and who fails to comply with such  
9 terms, conditions, or restrictions, shall be referred to the  
10 Secretary for a determination as to whether the individual  
11 shall have his or her license suspended immediately, pending a  
12 hearing by the Department.

13 In instances in which the Secretary immediately suspends a  
14 person's license under this Section, a hearing on that person's  
15 license must be convened by the Department within 30 days after  
16 the suspension and completed without appreciable delay. The  
17 Department and Board shall have the authority to review the  
18 subject individual's record of treatment and counseling  
19 regarding the impairment to the extent permitted by applicable  
20 federal statutes and regulations safeguarding the  
21 confidentiality of medical records.

22 An individual licensed under this Act and affected under  
23 this Section shall be afforded an opportunity to demonstrate to  
24 the Department or Board that he or she can resume practice in  
25 compliance with acceptable and prevailing standards under the  
26 provisions of his or her license.

1 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;  
2 99-227, eff. 8-3-15.)

3 (225 ILCS 454/20-85)

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

5 Sec. 20-85. Recovery from Real Estate Recovery Fund. The  
6 Department shall maintain a Real Estate Recovery Fund from  
7 which any person aggrieved by an act, representation,  
8 transaction, or conduct of a licensee or unlicensed employee of  
9 a licensee that is in violation of this Act or the rules  
10 promulgated pursuant thereto, constitutes embezzlement of  
11 money or property, or results in money or property being  
12 unlawfully obtained from any person by false pretenses,  
13 artifice, trickery, or forgery or by reason of any fraud,  
14 misrepresentation, discrimination, or deceit by or on the part  
15 of any such licensee or the unlicensed employee of a licensee  
16 and that results in a loss of actual cash money, as opposed to  
17 losses in market value, may recover. The aggrieved person may  
18 recover, by a post-judgment order of the circuit court of the  
19 county where the violation occurred in a proceeding described  
20 in Section 20-90 of this Act, an amount of not more than  
21 \$25,000 from the Fund for damages sustained by the act,  
22 representation, transaction, or conduct, together with costs  
23 of suit and attorney's fees incurred in connection therewith of  
24 not to exceed 15% of the amount of the recovery ordered paid  
25 from the Fund. However, no person may recover from the Fund

1 unless the court finds that the person suffered a loss  
2 resulting from intentional misconduct. The post-judgment order  
3 shall not include interest on the judgment. The maximum  
4 liability against the Fund arising out of any one act shall be  
5 as provided in this Section, and the post-judgment order shall  
6 spread the award equitably among all co-owners or otherwise  
7 aggrieved persons, if any. The maximum liability against the  
8 Fund arising out of the activities of any one licensee or one  
9 unlicensed employee of a licensee, since January 1, 1974, shall  
10 be \$100,000. Nothing in this Section shall be construed to  
11 authorize recovery from the Fund unless the loss of the  
12 aggrieved person results from an act or omission of a licensee  
13 under this Act who was at the time of the act or omission  
14 acting in such capacity or was apparently acting in such  
15 capacity or their unlicensed employee and unless the aggrieved  
16 person has obtained a valid judgment and post-judgment order of  
17 the court as provided for in Section 20-90 of this Act. ~~No~~  
18 ~~person aggrieved by an act, representation, or transaction that~~  
19 ~~is in violation of the Illinois Real Estate Time Share Act or~~  
20 ~~the Land Sales Registration Act of 1989 may recover from the~~  
21 ~~Fund.~~

22 (Source: P.A. 99-227, eff. 8-3-15.)

23 Section 45. The Unified Code of Corrections is amended by  
24 changing Section 5-5-5 as follows:

1 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

2 Sec. 5-5-5. Loss and Restoration of Rights.

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

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

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

12 (d) On completion of sentence of imprisonment or upon  
13 discharge from probation, conditional discharge or periodic  
14 imprisonment, or at any time thereafter, all license rights and  
15 privileges granted under the authority of this State which have  
16 been revoked or suspended because of conviction of an offense  
17 shall be restored unless the authority having jurisdiction of  
18 such license rights finds after investigation and hearing that  
19 restoration is not in the public interest. This paragraph (d)  
20 shall not apply to the suspension or revocation of a license to  
21 operate a motor vehicle under the Illinois Vehicle Code.

22 (e) Upon a person's discharge from incarceration or parole,  
23 or upon a person's discharge from probation or at any time  
24 thereafter, the committing court may enter an order certifying  
25 that the sentence has been satisfactorily completed when the  
26 court believes it would assist in the rehabilitation of the



1 person and be consistent with the public welfare. Such order  
2 may be entered upon the motion of the defendant or the State or  
3 upon the court's own motion.

4 (f) Upon entry of the order, the court shall issue to the  
5 person in whose favor the order has been entered a certificate  
6 stating that his behavior after conviction has warranted the  
7 issuance of the order.

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

11 (h) No application for any license specified in subsection  
12 (i) of this Section granted under the authority of this State  
13 shall be denied by reason of an eligible offender who has  
14 obtained a certificate of relief from disabilities, as defined  
15 in Article 5.5 of this Chapter, having been previously  
16 convicted of one or more criminal offenses, or by reason of a  
17 finding of lack of "good moral character" when the finding is  
18 based upon the fact that the applicant has previously been  
19 convicted of one or more criminal offenses, unless:

20 (1) there is a direct relationship between one or more  
21 of the previous criminal offenses and the specific license  
22 sought; or

23 (2) the issuance of the license would involve an  
24 unreasonable risk to property or to the safety or welfare  
25 of specific individuals or the general public.

26 In making such a determination, the licensing agency shall

1 consider the following factors:

2 (1) the public policy of this State, as expressed in  
3 Article 5.5 of this Chapter, to encourage the licensure and  
4 employment of persons previously convicted of one or more  
5 criminal offenses;

6 (2) the specific duties and responsibilities  
7 necessarily related to the license being sought;

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

12 (4) the time which has elapsed since the occurrence of  
13 the criminal offense or offenses;

14 (5) the age of the person at the time of occurrence of  
15 the criminal offense or offenses;

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

17 (7) any information produced by the person or produced  
18 on his or her behalf in regard to his or her rehabilitation  
19 and good conduct, including a certificate of relief from  
20 disabilities issued to the applicant, which certificate  
21 shall create a presumption of rehabilitation in regard to  
22 the offense or offenses specified in the certificate; and

23 (8) the legitimate interest of the licensing agency in  
24 protecting property, and the safety and welfare of specific  
25 individuals or the general public.

26 (i) A certificate of relief from disabilities shall be

1 issued only for a license or certification issued under the  
2 following Acts:

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

10 (2) the Illinois Athletic Trainers Practice Act;

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

13 (4) the Boiler and Pressure Vessel Repairer Regulation  
14 Act;

15 (5) the Boxing and Full-contact Martial Arts Act;

16 (6) the Illinois Certified Shorthand Reporters Act of  
17 1984;

18 (7) the Illinois Farm Labor Contractor Certification  
19 Act;

20 (8) the Interior Design Title Act;

21 (9) the Illinois Professional Land Surveyor Act of  
22 1989;

23 (10) the Illinois Landscape Architecture Act of 1989;

24 (11) the Marriage and Family Therapy Licensing Act;

25 (12) the Private Employment Agency Act;

26 (13) the Professional Counselor and Clinical

1 Professional Counselor Licensing and Practice Act;  
2 (14) the Real Estate License Act of 2000;  
3 (15) the Illinois Roofing Industry Licensing Act;  
4 (16) the Professional Engineering Practice Act of  
5 1989;  
6 (17) the Water Well and Pump Installation Contractor's  
7 License Act;  
8 (18) the Electrologist Licensing Act;  
9 (19) the Auction License Act;  
10 (20) the Illinois Architecture Practice Act of 1989;  
11 (21) the Dietitian Nutritionist Practice Act;  
12 (22) the Environmental Health Practitioner Licensing  
13 Act;  
14 (23) the Funeral Directors and Embalmers Licensing  
15 Code;  
16 (24) (blank) ~~the Land Sales Registration Act of 1999~~;  
17 (25) the Professional Geologist Licensing Act;  
18 (26) the Illinois Public Accounting Act; and  
19 (27) the Structural Engineering Practice Act of 1989.  
20 (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;  
21 97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.  
22 1-25-13; 98-756, eff. 7-16-14.)

23 (765 ILCS 86/Act rep.)

24 Section 95. The Land Sales Registration Act of 1999 is  
25 repealed.

1 (765 ILCS 101/Act rep.)

2 Section 100. The Real Estate Timeshare Act of 1999 is  
3 repealed.

4 Section 105. The Ticket Sale and Resale Act is amended by  
5 changing Section 1.5 as follows:

6 (815 ILCS 414/1.5) (was 720 ILCS 375/1.5)

7 Sec. 1.5. Sale of tickets at more than face value  
8 prohibited; exceptions.

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

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

22 (1) The ticket broker is duly registered with the  
23 Office of the Secretary of State on a registration form

1 provided by that Office. The registration must contain a  
2 certification that the ticket broker:

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

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

8 (C) displays at those locations the ticket  
9 broker's registration;

10 (D) maintains at those locations a listing of the  
11 names and addresses of all persons employed by the  
12 ticket broker;

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

18 (F) meets the following requirements:

19 (i) the ticket broker maintains a toll free  
20 number specifically dedicated for Illinois  
21 consumer complaints and inquiries concerning  
22 ticket sales;

23 (ii) the ticket broker has adopted a code that  
24 advocates consumer protection that includes, at a  
25 minimum:

26 (a-1) consumer protection guidelines;

1 (b-1) a standard refund policy. In the  
2 event a refund is due, the ticket broker shall  
3 provide that refund without charge other than  
4 for reasonable delivery fees for the return of  
5 the tickets; and

6 (c-1) standards of professional conduct;

7 (iii) the ticket broker has adopted a  
8 procedure for the binding resolution of consumer  
9 complaints by an independent, disinterested third  
10 party and thereby submits to the jurisdiction of  
11 the State of Illinois; and

12 (iv) the ticket broker has established and  
13 maintains a consumer protection rebate fund in  
14 Illinois in an amount in excess of \$100,000, which  
15 must be cash available for immediate disbursement  
16 for satisfaction of valid consumer complaints.

17 Alternatively, the ticket broker may fulfill the  
18 requirements of subparagraph (F) of this paragraph (1) if  
19 the ticket broker certifies that he or she belongs to a  
20 professional association organized under the laws of this  
21 State, or organized under the laws of any other state and  
22 authorized to conduct business in Illinois, that has been  
23 in existence for at least 3 years prior to the date of that  
24 broker's registration with the Office of the Secretary of  
25 State, and is specifically dedicated, for and on behalf of  
26 its members, to provide and maintain the consumer

1 protection requirements of subparagraph (F) of this  
2 paragraph (1) to maintain the integrity of the ticket  
3 brokerage industry.

4 (2) (Blank).

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

11 (4) The ticket broker must comply with all requirements  
12 of the Retailers' Occupation Tax Act and collect and remit  
13 all other applicable federal, State and local taxes in  
14 connection with the ticket broker's ticket selling  
15 activities.

16 (5) Beginning January 1, 1996, no ticket broker shall  
17 advertise for resale any tickets within this State unless  
18 the advertisement contains the name of the ticket broker  
19 and the Illinois registration number issued by the Office  
20 of the Secretary of State under this Section.

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

23 (c) This Act does not apply to the sale of tickets of  
24 admission to a sporting event, theater, musical performance, or  
25 place of public entertainment or amusement of any kind for a  
26 price in excess of the printed box office ticket price by a



1 reseller engaged in interstate or intrastate commerce on an  
2 Internet auction listing service duly registered ~~with the~~  
3 ~~Department of Financial and Professional Regulation under the~~  
4 ~~Auction License Act~~ and with the Office of the Secretary of  
5 State on a registration form provided by that Office. This  
6 subsection (c) applies to both sales through an online bid  
7 submission process and sales at a fixed price on the same  
8 website or interactive computer service as an Internet auction  
9 listing service ~~registered with the Department of Financial and~~  
10 ~~Professional Regulation.~~

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

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

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

21 (3) the operator maintains, either itself or through an  
22 affiliate, a toll free number dedicated for consumer  
23 complaints;

24 (4) the operator provides consumer protections that  
25 include at a minimum:

26 (A) consumer protection guidelines;

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

6           (i) the ticketed event is cancelled and the  
7 purchaser returns the tickets to the seller or  
8 Internet auction listing service; however,  
9 reasonable delivery fees need not be refunded if  
10 the previously disclosed guarantee specifies that  
11 the fees will not be refunded if the event is  
12 cancelled;

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

20           (iii) the ticket fails to conform to its  
21 description on the Internet auction listing  
22 service; or

23           (iv) the ticket seller willfully fails to send  
24 the ticket or tickets to the purchaser, or the  
25 ticket seller attempted to deliver the ticket or  
26 tickets to the purchaser in the manner required by

1           the Internet auction listing service and the  
2           purchaser failed to receive the ticket or tickets;  
3           and

4           (C) standards of professional conduct;

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

12          (6) the operator either:

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

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

1 purchaser upon the receipt of a verified request from  
2 law enforcement or other government tax officials  
3 relating to a criminal investigation or alleged  
4 illegal activity; and

5 (7) the operator either:

6 (A) has established and maintains a consumer  
7 protection rebate fund in Illinois in an amount in  
8 excess of \$100,000, which must be cash available for  
9 immediate disbursement for satisfaction of valid  
10 consumer complaints; or

11 (B) has obtained and maintains in force an errors  
12 and omissions insurance policy that provides at least  
13 \$100,000 in coverage ~~and proof that the policy has been~~  
14 ~~filed with the Department of Financial and~~  
15 ~~Professional Regulation.~~

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

23 (e) This Act does not apply to the resale of a ticket for  
24 admission to a baseball game, football game, hockey game,  
25 theatre entertainment, or any other amusement for a price more  
26 than the price printed on the face of the ticket and for more

1 than the price of the ticket at the box office if the resale is  
2 made through an Internet website whose operator meets the  
3 following requirements:

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

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

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

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

20 (5) the operator either:

21 (A) has established and maintains a consumer  
22 protection rebate fund in Illinois in an amount in  
23 excess of \$100,000, which must be cash available for  
24 immediate disbursement for satisfaction of valid  
25 consumer complaints; or

26 (B) has obtained and maintains in force an errors

1           and omissions policy of insurance in the minimum amount  
2           of \$100,000 for the satisfaction of valid consumer  
3           complaints;

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

11          (7) the operator either:

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

16                 (B) publishes a written notice on the website after  
17                 the sale of one or more tickets that automatically  
18                 informs the ticket reseller of the ticket reseller's  
19                 potential legal obligation to pay any applicable local  
20                 amusement tax in connection with the reseller's sale of  
21                 tickets, and discloses to law enforcement or other  
22                 government tax officials, without subpoena, the name,  
23                 city, state, telephone number, e-mail address, user ID  
24                 history, fraud complaints, and bidding and listing  
25                 history of any specifically identified reseller or  
26                 purchaser upon the receipt of a verified request from

1 law enforcement or other government tax officials  
2 relating to a criminal investigation or alleged  
3 illegal activity; and

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

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

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

22 (C) the ticket fails to conform to its description  
23 on the website; or

24 (D) the ticket seller willfully fails to send the  
25 ticket or tickets to the purchaser, or the ticket  
26 seller attempted to deliver the ticket or tickets to

1           the purchaser in the manner required by the website  
2           operator and the purchaser failed to receive the ticket  
3           or tickets.

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

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

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

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

22                 (2) that the ticket broker or reseller is not the event  
23          venue box office or its licensed ticket agent, but is,  
24          instead, a ticket broker or reseller and that lost or  
25          stolen tickets may be reissued only by ticket brokers or  
26          resellers;



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

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

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

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

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

18 (2) the ticket fails to conform substantially to its  
19 description as advertised; or

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

22 This subsection (f-5) does not apply to an Internet auction  
23 listing service ~~registered with the Department of Financial and~~  
24 ~~Professional Regulation as required under the Auction License~~  
25 ~~Act.~~

26 (g) The provisions of Public Act 89-406 are severable under

1 Section 1.31 of the Statute on Statutes.

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

5 (Source: P.A. 99-431, eff. 1-1-16.)

6 Section 999. Effective date. This Act takes effect upon  
7 becoming law.