



Sen. Pamela J. Althoff

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1 AMENDMENT TO SENATE BILL 1821

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1821 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by  
5 changing Sections 4.30, 4.32, and 4.36 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 Acts repealed on January 1, 2020.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8 Acts are repealed on January 1, 2020: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.

1 The Perfusionist Practice Act.

2 The Professional Engineering Practice Act of 1989.

3 The Real Estate License Act of 2000.

4 The Structural Engineering Practice Act of 1989.

5 (Source: P.A. 96-610, eff. 8-24-09; 96-626, eff. 8-24-09;  
6 96-682, eff. 8-25-09; 96-726, eff. 7-1-10; 96-730, eff.  
7 8-25-09; 96-855, eff. 12-31-09; 96-856, eff. 12-31-09;  
8 96-1000, eff. 7-2-10.)

9 (5 ILCS 80/4.32)

10 Sec. 4.32. Acts repealed on January 1, 2022. The following  
11 Acts are repealed on January 1, 2022:

12 The Boxing and Full-contact Martial Arts Act.

13 The Collateral Recovery Act.

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

15 The Home Inspector License Act.

16 The Interior Design Title Act.

17 The Massage Licensing Act.

18 The Petroleum Equipment Contractors Licensing Act.

19 The Real Estate Appraiser Licensing Act of 2002.

20 The Water Well and Pump Installation Contractor's License  
21 Act.

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

1 (5 ILCS 80/4.36)

2 Sec. 4.36. Acts repealed on January 1, 2026. The following  
3 Acts are repealed on January 1, 2026:

4 The Barber, Cosmetology, Esthetics, Hair Braiding, and  
5 Nail Technology Act of 1985.

6 The Collection Agency Act.

7 The Hearing Instrument Consumer Protection Act.

8 The Illinois Athletic Trainers Practice Act.

9 The Illinois Dental Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Physical Therapy Act.

12 ~~The Professional Geologist Licensing Act.~~

13 The Respiratory Care Practice Act.

14 (Source: P.A. 99-26, eff. 7-10-15; 99-204, eff. 7-30-15;  
15 99-227, eff. 8-3-15; 99-229, eff. 8-3-15; 99-230, eff. 8-3-15;  
16 99-427, eff. 8-21-15; 99-469, eff. 8-26-15; 99-492, eff.  
17 12-31-15; 99-642, eff. 7-28-16.)

18 (225 ILCS 401/Act rep.)

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

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

22 (225 ILCS 407/5-10)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 "Person" means an individual, association, partnership,  
25 corporation, or limited liability company or the officers,  
26 directors, or employees of the same.

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

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

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

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

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

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

15 (225 ILCS 407/10-1)

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

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

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

24 (1) an auction conducted solely by or for a  
25 not-for-profit organization for charitable purposes in

1 which the individual receives no compensation;

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

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

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

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

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

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



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

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

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

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

14 (225 ILCS 407/10-27 rep.)

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

17 (225 ILCS 430/Act rep.)

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

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

22 (225 ILCS 454/1-10)

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

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

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

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

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

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

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

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

1 franchise affiliation as well as the name of the individual  
2 firm.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26           "Broker price opinion" means an estimate or analysis of the

1 probable selling price of a particular interest in real estate,  
2 which may provide a varying level of detail about the  
3 property's condition, market, and neighborhood and information  
4 on comparable sales. The activities of a real estate broker or  
5 managing broker engaging in the ordinary course of business as  
6 a broker, as defined in this Section, shall not be considered a  
7 broker price opinion if no compensation is paid to the broker  
8 or managing broker, other than compensation based upon the sale  
9 or rental of real estate.

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

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

25 "Compensation" means the valuable consideration given by  
26 one person or entity to another person or entity in exchange

1 for the performance of some activity or service. Compensation  
2 shall include the transfer of valuable consideration,  
3 including without limitation the following:

4 (1) commissions;

5 (2) referral fees;

6 (3) bonuses;

7 (4) prizes;

8 (5) merchandise;

9 (6) finder fees;

10 (7) performance of services;

11 (8) coupons or gift certificates;

12 (9) discounts;

13 (10) rebates;

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

17 (12) retainer fee; or

18 (13) salary.

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

26 (1) the client permits the disclosure of information

1 given by that client by word or conduct;

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

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

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

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

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

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

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

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

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

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

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

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

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

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



1 for which the security deposit is being held.

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

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

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

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

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

25 "Leasing Agent" means a person who is employed by a broker  
26 to engage in licensed activities limited to leasing residential

1 real estate who has obtained a license as provided for in  
2 Section 5-5 of this Act.

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

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

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

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

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

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

22 "Ministerial acts" means those acts that a licensee may  
23 perform for a consumer that are informative or clerical in  
24 nature and do not rise to the level of active representation on  
25 behalf of a consumer. Examples of these acts include without  
26 limitation (i) responding to phone inquiries by consumers as to

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

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

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

25 "Personal assistant" means a licensed or unlicensed person  
26 who has been hired for the purpose of aiding or assisting a

1 sponsored licensee in the performance of the sponsored  
2 licensee's job.

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

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

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

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

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

26 "Regular employee" means a person working an average of 20

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

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

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

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

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

19 (225 ILCS 454/5-20)

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

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

24 (1) Any person, partnership, or corporation that as  
25 owner or lessor performs any of the acts described in the

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

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

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

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

1 property of which he or she is the resident manager.

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

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

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

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

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

26 (10) Any resident lessee of a residential dwelling unit

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

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

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



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

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

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

15 (B) that person verifies to the Department that he  
16 or she has sold real estate at auction for a period of  
17 5 years prior to licensure as an auctioneer;

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

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

25 (14) A person who holds a valid license under the  
26 Auction License Act and a valid real estate auction

1 certification and conducts auctions for the sale of real  
2 estate under Section 5-32 of this Act.

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

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

11 (225 ILCS 454/20-20)

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

13 Sec. 20-20. Grounds for discipline.

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

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

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

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

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

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

1 jurisdiction shall be prima facie evidence thereof.

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

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

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

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

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

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

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

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

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

25 (15) Representing or attempting to represent a broker  
26 other than the sponsoring broker.

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

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

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

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

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

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

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

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

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

24 (21) Engaging in dishonorable, unethical, or  
25 unprofessional conduct of a character likely to deceive,  
26 defraud, or harm the public.

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

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

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

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

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

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

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

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

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

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

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

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

24           (E) The licensee cannot purchase seller's property  
25 until the brokerage agreement has ended according to  
26 its terms or is otherwise terminated.



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

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

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

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

25          (33) Negotiating a sale, exchange, or lease of real  
26          estate directly with any person if the licensee knows that

1 the person has an exclusive brokerage agreement with  
2 another broker, unless specifically authorized by that  
3 broker.

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

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

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

25 (37) Violating the terms of a disciplinary order issued  
26 by the Department.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (Source: P.A. 98-553, eff. 1-1-14; 98-756, eff. 7-16-14;

1 99-227, eff. 8-3-15.)

2 (225 ILCS 454/20-85)

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

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

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

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

22 (225 ILCS 745/Act rep.)

23 Section 35. The Professional Geologist Licensing Act is  
24 repealed.



1           Section 40. The Environmental Protection Act is amended by  
2 changing Sections 22.51, 22.51a, 57.2, 57.8, 57.10, 58.2, 58.6,  
3 and 58.7 as follows:

4           (415 ILCS 5/22.51)

5           Sec. 22.51. Clean Construction or Demolition Debris Fill  
6 Operations.

7           (a) No person shall conduct any clean construction or  
8 demolition debris fill operation in violation of this Act or  
9 any regulations or standards adopted by the Board.

10          (b) (1) (A) Beginning August 18, 2005 but prior to July 1,  
11 2008, no person shall use clean construction or demolition  
12 debris as fill material in a current or former quarry, mine, or  
13 other excavation, unless they have applied for an interim  
14 authorization from the Agency for the clean construction or  
15 demolition debris fill operation.

16          (B) The Agency shall approve an interim authorization upon  
17 its receipt of a written application for the interim  
18 authorization that is signed by the site owner and the site  
19 operator, or their duly authorized agent, and that contains the  
20 following information: (i) the location of the site where the  
21 clean construction or demolition debris fill operation is  
22 taking place, (ii) the name and address of the site owner,  
23 (iii) the name and address of the site operator, and (iv) the  
24 types and amounts of clean construction or demolition debris  
25 being used as fill material at the site.

1           (C) The Agency may deny an interim authorization if the  
2 site owner or the site operator, or their duly authorized  
3 agent, fails to provide to the Agency the information listed in  
4 subsection (b) (1) (B) of this Section. Any denial of an interim  
5 authorization shall be subject to appeal to the Board in  
6 accordance with the procedures of Section 40 of this Act.

7           (D) No person shall use clean construction or demolition  
8 debris as fill material in a current or former quarry, mine, or  
9 other excavation for which the Agency has denied interim  
10 authorization under subsection (b) (1) (C) of this Section. The  
11 Board may stay the prohibition of this subsection (D) during  
12 the pendency of an appeal of the Agency's denial of the interim  
13 authorization brought under subsection (b) (1) (C) of this  
14 Section.

15           (2) Beginning September 1, 2006, owners and operators of  
16 clean construction or demolition debris fill operations shall,  
17 in accordance with a schedule prescribed by the Agency, submit  
18 to the Agency applications for the permits required under this  
19 Section. The Agency shall notify owners and operators in  
20 writing of the due date for their permit application. The due  
21 date shall be no less than 90 days after the date of the  
22 Agency's written notification. Owners and operators who do not  
23 receive a written notification from the Agency by October 1,  
24 2007, shall submit a permit application to the Agency by  
25 January 1, 2008. The interim authorization of owners and  
26 operators who fail to submit a permit application to the Agency

1 by the permit application's due date shall terminate on (i) the  
2 due date established by the Agency if the owner or operator  
3 received a written notification from the Agency prior to  
4 October 1, 2007, or (ii) or January 1, 2008, if the owner or  
5 operator did not receive a written notification from the Agency  
6 by October 1, 2007.

7 (3) On and after July 1, 2008, no person shall use clean  
8 construction or demolition debris as fill material in a current  
9 or former quarry, mine, or other excavation (i) without a  
10 permit granted by the Agency for the clean construction or  
11 demolition debris fill operation or in violation of any  
12 conditions imposed by such permit, including periodic reports  
13 and full access to adequate records and the inspection of  
14 facilities, as may be necessary to assure compliance with this  
15 Act and with Board regulations and standards adopted under this  
16 Act or (ii) in violation of any regulations or standards  
17 adopted by the Board under this Act.

18 (4) This subsection (b) does not apply to:

19 (A) the use of clean construction or demolition debris  
20 as fill material in a current or former quarry, mine, or  
21 other excavation located on the site where the clean  
22 construction or demolition debris was generated;

23 (B) the use of clean construction or demolition debris  
24 as fill material in an excavation other than a current or  
25 former quarry or mine if this use complies with Illinois  
26 Department of Transportation specifications; or

1 (C) current or former quarries, mines, and other  
2 excavations that do not use clean construction or  
3 demolition debris as fill material.

4 (c) In accordance with Title VII of this Act, the Board may  
5 adopt regulations to promote the purposes of this Section. The  
6 Agency shall consult with the mining and construction  
7 industries during the development of any regulations to promote  
8 the purposes of this Section.

9 (1) No later than December 15, 2005, the Agency shall  
10 propose to the Board, and no later than September 1, 2006,  
11 the Board shall adopt, regulations for the use of clean  
12 construction or demolition debris as fill material in  
13 current and former quarries, mines, and other excavations.  
14 Such regulations shall include, but shall not be limited  
15 to, standards for clean construction or demolition debris  
16 fill operations and the submission and review of permits  
17 required under this Section.

18 (2) Until the Board adopts rules under subsection  
19 (c)(1) of this Section, all persons using clean  
20 construction or demolition debris as fill material in a  
21 current or former quarry, mine, or other excavation shall:

22 (A) Assure that only clean construction or  
23 demolition debris is being used as fill material by  
24 screening each truckload of material received using a  
25 device approved by the Agency that detects volatile  
26 organic compounds. Such devices may include, but are

1 not limited to, photo ionization detectors. All  
2 screening devices shall be operated and maintained in  
3 accordance with manufacturer's specifications.  
4 Unacceptable fill material shall be rejected from the  
5 site; and

6 (B) Retain for a minimum of 3 years the following  
7 information:

8 (i) The name of the hauler, the name of the  
9 generator, and place of origin of the debris or  
10 soil;

11 (ii) The approximate weight or volume of the  
12 debris or soil; and

13 (iii) The date the debris or soil was received.

14 (d) This Section applies only to clean construction or  
15 demolition debris that is not considered "waste" as provided in  
16 Section 3.160 of this Act.

17 (e) For purposes of this Section:

18 (1) The term "operator" means a person responsible for  
19 the operation and maintenance of a clean construction or  
20 demolition debris fill operation.

21 (2) The term "owner" means a person who has any direct  
22 or indirect interest in a clean construction or demolition  
23 debris fill operation or in land on which a person operates  
24 and maintains a clean construction or demolition debris  
25 fill operation. A "direct or indirect interest" does not  
26 include the ownership of publicly traded stock. The "owner"

1 is the "operator" if there is no other person who is  
2 operating and maintaining a clean construction or  
3 demolition debris fill operation.

4 (3) The term "clean construction or demolition debris  
5 fill operation" means a current or former quarry, mine, or  
6 other excavation where clean construction or demolition  
7 debris is used as fill material.

8 (4) The term "uncontaminated soil" shall have the same  
9 meaning as uncontaminated soil under Section 3.160 of this  
10 Act.

11 (f) (1) No later than one year after the effective date of  
12 this amendatory Act of the 96th General Assembly, the Agency  
13 shall propose to the Board, and, no later than one year after  
14 the Board's receipt of the Agency's proposal, the Board shall  
15 adopt, rules for the use of clean construction or demolition  
16 debris and uncontaminated soil as fill material at clean  
17 construction or demolition debris fill operations. The rules  
18 must include standards and procedures necessary to protect  
19 groundwater, which may include, but shall not be limited to,  
20 the following: requirements regarding testing and  
21 certification of soil used as fill material, surface water  
22 runoff, liners or other protective barriers, monitoring  
23 (including, but not limited to, groundwater monitoring),  
24 corrective action, recordkeeping, reporting, closure and  
25 post-closure care, financial assurance, post-closure land use  
26 controls, location standards, and the modification of existing

1 permits to conform to the requirements of this Act and Board  
2 rules. The rules may also include limits on the use of  
3 recyclable concrete and asphalt as fill material at clean  
4 construction or demolition debris fill operations, taking into  
5 account factors such as technical feasibility, economic  
6 reasonableness, and the availability of markets for such  
7 materials.

8 (2) Until the effective date of the Board rules adopted  
9 under subdivision (f)(1) of this Section, and in addition to  
10 any other requirements, owners and operators of clean  
11 construction or demolition debris fill operations must do all  
12 of the following in subdivisions (f)(2)(A) through (f)(2)(D) of  
13 this Section for all clean construction or demolition debris  
14 and uncontaminated soil accepted for use as fill material. The  
15 requirements in subdivisions (f)(2)(A) through (f)(2)(D) of  
16 this Section shall not limit any rules adopted by the Board.

17 (A) Document the following information for each load of  
18 clean construction or demolition debris or uncontaminated  
19 soil received: (i) the name of the hauler, the address of  
20 the site of origin, and the owner and the operator of the  
21 site of origin of the clean construction or demolition  
22 debris or uncontaminated soil, (ii) the weight or volume of  
23 the clean construction or demolition debris or  
24 uncontaminated soil, and (iii) the date the clean  
25 construction or demolition debris or uncontaminated soil  
26 was received.

1 (B) For all soil, obtain either (i) a certification  
2 from the owner or operator of the site from which the soil  
3 was removed that the site has never been used for  
4 commercial or industrial purposes and is presumed to be  
5 uncontaminated soil or (ii) a certification from a licensed  
6 Professional Engineer or a professional geologist ~~licensed~~  
7 ~~Professional Geologist~~ that the soil is uncontaminated  
8 soil. Certifications required under this subdivision  
9 (f) (2) (B) must be on forms and in a format prescribed by  
10 the Agency.

11 (C) Confirm that the clean construction or demolition  
12 debris or uncontaminated soil was not removed from a site  
13 as part of a cleanup or removal of contaminants, including,  
14 but not limited to, activities conducted under the  
15 Comprehensive Environmental Response, Compensation, and  
16 Liability Act of 1980, as amended; as part of a Closure or  
17 Corrective Action under the Resource Conservation and  
18 Recovery Act, as amended; or under an Agency remediation  
19 program, such as the Leaking Underground Storage Tank  
20 Program or Site Remediation Program, but excluding sites  
21 subject to Section 58.16 of this Act where there is no  
22 presence or likely presence of a release or a substantial  
23 threat of a release of a regulated substance at, on, or  
24 from the real property.

25 (D) Document all activities required under subdivision  
26 (f) (2) of this Section. Documentation of any chemical



1 analysis must include, but is not limited to, (i) a copy of  
2 the lab analysis, (ii) accreditation status of the  
3 laboratory performing the analysis, and (iii)  
4 certification by an authorized agent of the laboratory that  
5 the analysis has been performed in accordance with the  
6 Agency's rules for the accreditation of environmental  
7 laboratories and the scope of accreditation.

8 (3) Owners and operators of clean construction or  
9 demolition debris fill operations must maintain all  
10 documentation required under subdivision (f)(2) of this  
11 Section for a minimum of 3 years following the receipt of each  
12 load of clean construction or demolition debris or  
13 uncontaminated soil, except that documentation relating to an  
14 appeal, litigation, or other disputed claim must be maintained  
15 until at least 3 years after the date of the final disposition  
16 of the appeal, litigation, or other disputed claim. Copies of  
17 the documentation must be made available to the Agency and to  
18 units of local government for inspection and copying during  
19 normal business hours. The Agency may prescribe forms and  
20 formats for the documentation required under subdivision  
21 (f)(2) of this Section.

22 Chemical analysis conducted under subdivision (f)(2) of  
23 this Section must be conducted in accordance with the  
24 requirements of 35 Ill. Adm. Code 742, as amended, and "Test  
25 Methods for Evaluating Solid Waste, Physical/Chemical  
26 Methods", USEPA Publication No. SW-846, as amended.

1 (g) (1) No person shall use soil other than uncontaminated  
2 soil as fill material at a clean construction or demolition  
3 debris fill operation.

4 (2) No person shall use construction or demolition debris  
5 other than clean construction or demolition debris as fill  
6 material at a clean construction or demolition debris fill  
7 operation.

8 (Source: P.A. 96-1416, eff. 7-30-10; 97-137, eff. 7-14-11.)

9 (415 ILCS 5/22.51a)

10 Sec. 22.51a. Uncontaminated Soil Fill Operations.

11 (a) For purposes of this Section:

12 (1) The term "uncontaminated soil" shall have the same  
13 meaning as uncontaminated soil under Section 3.160 of this  
14 Act.

15 (2) The term "uncontaminated soil fill operation"  
16 means a current or former quarry, mine, or other excavation  
17 where uncontaminated soil is used as fill material, but  
18 does not include a clean construction or demolition debris  
19 fill operation.

20 (b) No person shall use soil other than uncontaminated soil  
21 as fill material at an uncontaminated soil fill operation.

22 (c) Owners and operators of uncontaminated soil fill  
23 operations must register the fill operations with the Agency.  
24 Uncontaminated soil fill operations that received  
25 uncontaminated soil prior to the effective date of this

1 amendatory Act of the 96th General Assembly must be registered  
2 with the Agency no later than March 31, 2011. Uncontaminated  
3 soil fill operations that first receive uncontaminated soil on  
4 or after the effective date of this amendatory Act of the 96th  
5 General Assembly must be registered with the Agency prior to  
6 the receipt of any uncontaminated soil. Registrations must be  
7 submitted on forms and in a format prescribed by the Agency.

8 (d) (1) No later than one year after the effective date of  
9 this amendatory Act of the 96th General Assembly, the Agency  
10 shall propose to the Board, and, no later than one year after  
11 the Board's receipt of the Agency's proposal, the Board shall  
12 adopt, rules for the use of uncontaminated soil as fill  
13 material at uncontaminated soil fill operations. The rules must  
14 include standards and procedures necessary to protect  
15 groundwater, which shall include, but shall not be limited to,  
16 testing and certification of soil used as fill material and  
17 requirements for recordkeeping.

18 (2) Until the effective date of the Board rules adopted  
19 under subdivision (d) (1) of this Section, owners and operators  
20 of uncontaminated soil fill operations must do all of the  
21 following in subdivisions (d) (2) (A) through (d) (2) (F) of this  
22 Section for all uncontaminated soil accepted for use as fill  
23 material. The requirements in subdivisions (d) (2) (A) through  
24 (d) (2) (F) of this Section shall not limit any rules adopted by  
25 the Board.

26 (A) Document the following information for each load of

1 uncontaminated soil received: (i) the name of the hauler,  
2 the address of the site of origin, and the owner and the  
3 operator of the site of origin of the uncontaminated soil,  
4 (ii) the weight or volume of the uncontaminated soil, and  
5 (iii) the date the uncontaminated soil was received.

6 (B) Obtain either (i) a certification from the owner or  
7 operator of the site from which the soil was removed that  
8 the site has never been used for commercial or industrial  
9 purposes and is presumed to be uncontaminated soil or (ii)  
10 a certification from a licensed Professional Engineer or a  
11 professional geologist ~~licensed Professional Geologist~~  
12 that the soil is uncontaminated soil. Certifications  
13 required under this subdivision (d) (2) (B) must be on forms  
14 and in a format prescribed by the Agency.

15 (C) Confirm that the uncontaminated soil was not  
16 removed from a site as part of a cleanup or removal of  
17 contaminants, including, but not limited to, activities  
18 conducted under the Comprehensive Environmental Response,  
19 Compensation, and Liability Act of 1980, as amended; as  
20 part of a Closure or Corrective Action under the Resource  
21 Conservation and Recovery Act, as amended; or under an  
22 Agency remediation program, such as the Leaking  
23 Underground Storage Tank Program or Site Remediation  
24 Program, but excluding sites subject to Section 58.16 of  
25 this Act where there is no presence or likely presence of a  
26 release or a substantial threat of a release of a regulated

1 substance at, on, or from the real property.

2 (D) Visually inspect each load to confirm that only  
3 uncontaminated soil is being accepted for use as fill  
4 material.

5 (E) Screen each load of uncontaminated soil using a  
6 device that is approved by the Agency and detects volatile  
7 organic compounds. Such a device may include, but is not  
8 limited to, a photo ionization detector or a flame  
9 ionization detector. All screening devices shall be  
10 operated and maintained in accordance with the  
11 manufacturer's specifications. Unacceptable soil must be  
12 rejected from the fill operation.

13 (F) Document all activities required under subdivision  
14 (d)(2) of this Section. Documentation of any chemical  
15 analysis must include, but is not limited to, (i) a copy of  
16 the lab analysis, (ii) accreditation status of the  
17 laboratory performing the analysis, and (iii)  
18 certification by an authorized agent of the laboratory that  
19 the analysis has been performed in accordance with the  
20 Agency's rules for the accreditation of environmental  
21 laboratories and the scope of accreditation.

22 (3) Owners and operators of uncontaminated soil fill  
23 operations must maintain all documentation required under  
24 subdivision (d)(2) of this Section for a minimum of 3 years  
25 following the receipt of each load of uncontaminated soil,  
26 except that documentation relating to an appeal, litigation, or

1 other disputed claim must be maintained until at least 3 years  
2 after the date of the final disposition of the appeal,  
3 litigation, or other disputed claim. Copies of the  
4 documentation must be made available to the Agency and to units  
5 of local government for inspection and copying during normal  
6 business hours. The Agency may prescribe forms and formats for  
7 the documentation required under subdivision (d)(2) of this  
8 Section.

9 Chemical analysis conducted under subdivision (d)(2) of  
10 this Section must be conducted in accordance with the  
11 requirements of 35 Ill. Adm. Code 742, as amended, and "Test  
12 Methods for Evaluating Solid Waste, Physical/Chemical  
13 Methods", USEPA Publication No. SW-846, as amended.

14 (Source: P.A. 96-1416, eff. 7-30-10; 97-137, eff. 7-14-11.)

15 (415 ILCS 5/57.2)

16 Sec. 57.2. Definitions. As used in this Title:

17 "Audit" means a systematic inspection or examination of  
18 plans, reports, records, or documents to determine the  
19 completeness and accuracy of the data and conclusions contained  
20 therein.

21 "Bodily injury" means bodily injury, sickness, or disease  
22 sustained by a person, including death at any time, resulting  
23 from a release of petroleum from an underground storage tank.

24 "Release" means any spilling, leaking, emitting,  
25 discharging, escaping, leaching or disposing of petroleum from

1 an underground storage tank into groundwater, surface water or  
2 subsurface soils.

3 "Fill material" means non-native or disturbed materials  
4 used to bed and backfill around an underground storage tank.

5 "Fund" means the Underground Storage Tank Fund.

6 "Heating Oil" means petroleum that is No. 1, No. 2, No. 4 -  
7 light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6  
8 technical grades of fuel oil; and other residual fuel oils  
9 including Navy Special Fuel Oil and Bunker C.

10 "Indemnification" means indemnification of an owner or  
11 operator for the amount of any judgment entered against the  
12 owner or operator in a court of law, for the amount of any  
13 final order or determination made against the owner or operator  
14 by an agency of State government or any subdivision thereof, or  
15 for the amount of any settlement entered into by the owner or  
16 operator, if the judgment, order, determination, or settlement  
17 arises out of bodily injury or property damage suffered as a  
18 result of a release of petroleum from an underground storage  
19 tank owned or operated by the owner or operator.

20 "Corrective action" means activities associated with  
21 compliance with the provisions of Sections 57.6 and 57.7 of  
22 this Title.

23 "Occurrence" means an accident, including continuous or  
24 repeated exposure to conditions, that results in a sudden or  
25 nonsudden release from an underground storage tank.

26 When used in connection with, or when otherwise relating

1 to, underground storage tanks, the terms "facility", "owner",  
2 "operator", "underground storage tank", "(UST)", "petroleum"  
3 and "regulated substance" shall have the meanings ascribed to  
4 them in Subtitle I of the Hazardous and Solid Waste Amendments  
5 of 1984 (P.L. 98-616), of the Resource Conservation and  
6 Recovery Act of 1976 (P.L. 94-580); provided however that the  
7 term "underground storage tank" shall also mean an underground  
8 storage tank used exclusively to store heating oil for  
9 consumptive use on the premises where stored and which serves  
10 other than a farm or residential unit; provided further however  
11 that the term "owner" shall also mean any person who has  
12 submitted to the Agency a written election to proceed under  
13 this Title and has acquired an ownership interest in a site on  
14 which one or more registered tanks have been removed, but on  
15 which corrective action has not yet resulted in the issuance of  
16 a "no further remediation letter" by the Agency pursuant to  
17 this Title.

18 "Licensed Professional Engineer" means a person,  
19 corporation, or partnership licensed under the laws of the  
20 State of Illinois to practice professional engineering.

21 ~~"Licensed Professional Geologist" means a person licensed~~  
22 ~~under the laws of the State of Illinois to practice as a~~  
23 ~~professional geologist.~~

24 "Site" means any single location, place, tract of land or  
25 parcel of property including contiguous property not separated  
26 by a public right-of-way.



1 "Site investigation" means activities associated with  
2 compliance with the provisions of subsection (a) of Section  
3 57.7.

4 "Property damage" means physical injury to, destruction  
5 of, or contamination of tangible property, including all  
6 resulting loss of use of that property; or loss of use of  
7 tangible property that is not physically injured, destroyed, or  
8 contaminated, but has been evacuated, withdrawn from use, or  
9 rendered inaccessible because of a release of petroleum from an  
10 underground storage tank.

11 "Class I Groundwater" means groundwater that meets the  
12 Class I: Potable Resource Groundwater criteria set forth in the  
13 Board regulations adopted pursuant to the Illinois Groundwater  
14 Protection Act.

15 "Class III Groundwater" means groundwater that meets the  
16 Class III: Special Resource Groundwater criteria set forth in  
17 the Board regulations adopted pursuant to the Illinois  
18 Groundwater Protection Act.

19 (Source: P.A. 94-274, eff. 1-1-06.)

20 (415 ILCS 5/57.8)

21 Sec. 57.8. Underground Storage Tank Fund; payment; options  
22 for State payment; deferred correction election to commence  
23 corrective action upon availability of funds. If an owner or  
24 operator is eligible to access the Underground Storage Tank  
25 Fund pursuant to an Office of State Fire Marshal

1 eligibility/deductible final determination letter issued in  
2 accordance with Section 57.9, the owner or operator may submit  
3 a complete application for final or partial payment to the  
4 Agency for activities taken in response to a confirmed release.  
5 An owner or operator may submit a request for partial or final  
6 payment regarding a site no more frequently than once every 90  
7 days.

8 (a) Payment after completion of corrective action  
9 measures. The owner or operator may submit an application for  
10 payment for activities performed at a site after completion of  
11 the requirements of Sections 57.6 and 57.7, or after completion  
12 of any other required activities at the underground storage  
13 tank site.

14 (1) In the case of any approved plan and budget for  
15 which payment is being sought, the Agency shall make a  
16 payment determination within 120 days of receipt of the  
17 application. Such determination shall be considered a  
18 final decision. The Agency's review shall be limited to  
19 generally accepted auditing and accounting practices. In  
20 no case shall the Agency conduct additional review of any  
21 plan which was completed within the budget, beyond auditing  
22 for adherence to the corrective action measures in the  
23 proposal. If the Agency fails to approve the payment  
24 application within 120 days, such application shall be  
25 deemed approved by operation of law and the Agency shall  
26 proceed to reimburse the owner or operator the amount

1 requested in the payment application. However, in no event  
2 shall the Agency reimburse the owner or operator an amount  
3 greater than the amount approved in the plan.

4 (2) If sufficient funds are available in the  
5 Underground Storage Tank Fund, the Agency shall, within 60  
6 days, forward to the Office of the State Comptroller a  
7 voucher in the amount approved under the payment  
8 application.

9 (3) In the case of insufficient funds, the Agency shall  
10 form a priority list for payment and shall notify persons  
11 in such priority list monthly of the availability of funds  
12 and when payment shall be made. Payment shall be made to  
13 the owner or operator at such time as sufficient funds  
14 become available for the costs associated with site  
15 investigation and corrective action and costs expended for  
16 activities performed where no proposal is required, if  
17 applicable. Such priority list shall be available to any  
18 owner or operator upon request. Priority for payment shall  
19 be determined by the date the Agency receives a complete  
20 request for partial or final payment. Upon receipt of  
21 notification from the Agency that the requirements of this  
22 Title have been met, the Comptroller shall make payment to  
23 the owner or operator of the amount approved by the Agency,  
24 if sufficient money exists in the Fund. If there is  
25 insufficient money in the Fund, then payment shall not be  
26 made. If the owner or operator appeals a final Agency

1 payment determination and it is determined that the owner  
2 or operator is eligible for payment or additional payment,  
3 the priority date for the payment or additional payment  
4 shall be the same as the priority date assigned to the  
5 original request for partial or final payment.

6 (4) Any deductible, as determined pursuant to the  
7 Office of the State Fire Marshal's eligibility and  
8 deductibility final determination in accordance with  
9 Section 57.9, shall be subtracted from any payment invoice  
10 paid to an eligible owner or operator. Only one deductible  
11 shall apply per underground storage tank site.

12 (5) In the event that costs are or will be incurred in  
13 addition to those approved by the Agency, or after payment,  
14 the owner or operator may submit successive plans  
15 containing amended budgets. The requirements of Section  
16 57.7 shall apply to any amended plans.

17 (6) For purposes of this Section, a complete  
18 application shall consist of:

19 (A) A certification from a Licensed Professional  
20 Engineer or a professional geologist ~~Licensed~~  
21 ~~Professional Geologist~~ as required under this Title  
22 and acknowledged by the owner or operator.

23 (B) A statement of the amounts approved in the  
24 budget and the amounts actually sought for payment  
25 along with a certified statement by the owner or  
26 operator that the amounts so sought were expended in

1 conformance with the approved budget.

2 (C) A copy of the Office of the State Fire  
3 Marshal's eligibility and deductibility determination.

4 (D) Proof that approval of the payment requested  
5 will not result in the limitations set forth in  
6 subsection (g) of this Section being exceeded.

7 (E) A federal taxpayer identification number and  
8 legal status disclosure certification on a form  
9 prescribed and provided by the Agency.

10 (F) If the Agency determined under subsection  
11 (c) (3) of Section 57.7 of this Act that corrective  
12 action must include a project labor agreement, a  
13 certification from the owner or operator that the  
14 corrective action was (i) performed under a project  
15 labor agreement that meets the requirements of Section  
16 25 of the Project Labor Agreements Act and (ii)  
17 implemented in a manner consistent with the terms and  
18 conditions of the Project Labor Agreements Act and in  
19 full compliance with all statutes, regulations, and  
20 Executive Orders as required under that Act and the  
21 Prevailing Wage Act.

22 (b) Commencement of site investigation or corrective  
23 action upon availability of funds. The Board shall adopt  
24 regulations setting forth procedures based on risk to human  
25 health or the environment under which the owner or operator who  
26 has received approval for any budget plan submitted pursuant to

1 Section 57.7, and who is eligible for payment from the  
2 Underground Storage Tank Fund pursuant to an Office of the  
3 State Fire Marshal eligibility and deductibility  
4 determination, may elect to defer site investigation or  
5 corrective action activities until funds are available in an  
6 amount equal to the amount approved in the budget. The  
7 regulations shall establish criteria based on risk to human  
8 health or the environment to be used for determining on a  
9 site-by-site basis whether deferral is appropriate. The  
10 regulations also shall establish the minimum investigatory  
11 requirements for determining whether the risk based criteria  
12 are present at a site considering deferral and procedures for  
13 the notification of owners or operators of insufficient funds,  
14 Agency review of request for deferral, notification of Agency  
15 final decisions, returning deferred sites to active status, and  
16 earmarking of funds for payment.

17 (c) When the owner or operator requests indemnification for  
18 payment of costs incurred as a result of a release of petroleum  
19 from an underground storage tank, if the owner or operator has  
20 satisfied the requirements of subsection (a) of this Section,  
21 the Agency shall forward a copy of the request to the Attorney  
22 General. The Attorney General shall review and approve the  
23 request for indemnification if:

24 (1) there is a legally enforceable judgment entered  
25 against the owner or operator and such judgment was entered  
26 due to harm caused by a release of petroleum from an

1 underground storage tank and such judgment was not entered  
2 as a result of fraud; or

3 (2) a settlement with a third party due to a release of  
4 petroleum from an underground storage tank is reasonable.

5 (d) Notwithstanding any other provision of this Title, the  
6 Agency shall not approve payment to an owner or operator from  
7 the Fund for costs of corrective action or indemnification  
8 incurred during a calendar year in excess of the following  
9 aggregate amounts based on the number of petroleum underground  
10 storage tanks owned or operated by such owner or operator in  
11 Illinois.

| Amount            | Number of Tanks |
|-------------------|-----------------|
| \$2,000,000 ..... | fewer than 101  |
| \$3,000,000 ..... | 101 or more     |

15 (1) Costs incurred in excess of the aggregate amounts  
16 set forth in paragraph (1) of this subsection shall not be  
17 eligible for payment in subsequent years.

18 (2) For purposes of this subsection, requests  
19 submitted by any of the agencies, departments, boards,  
20 committees or commissions of the State of Illinois shall be  
21 acted upon as claims from a single owner or operator.

22 (3) For purposes of this subsection, owner or operator  
23 includes (i) any subsidiary, parent, or joint stock company  
24 of the owner or operator and (ii) any company owned by any  
25 parent, subsidiary, or joint stock company of the owner or  
26 operator.

1 (e) Costs of corrective action or indemnification incurred  
2 by an owner or operator which have been paid to an owner or  
3 operator under a policy of insurance, another written  
4 agreement, or a court order are not eligible for payment under  
5 this Section. An owner or operator who receives payment under a  
6 policy of insurance, another written agreement, or a court  
7 order shall reimburse the State to the extent such payment  
8 covers costs for which payment was received from the Fund. Any  
9 monies received by the State under this subsection (e) shall be  
10 deposited into the Fund.

11 (f) (Blank.)

12 (g) The Agency shall not approve any payment from the Fund  
13 to pay an owner or operator:

14 (1) for costs of corrective action incurred by such  
15 owner or operator in an amount in excess of \$1,500,000 per  
16 occurrence; and

17 (2) for costs of indemnification of such owner or  
18 operator in an amount in excess of \$1,500,000 per  
19 occurrence.

20 (h) Payment of any amount from the Fund for corrective  
21 action or indemnification shall be subject to the State  
22 acquiring by subrogation the rights of any owner, operator, or  
23 other person to recover the costs of corrective action or  
24 indemnification for which the Fund has compensated such owner,  
25 operator, or person from the person responsible or liable for  
26 the release.



1 (i) If the Agency refuses to pay or authorizes only a  
2 partial payment, the affected owner or operator may petition  
3 the Board for a hearing in the manner provided for the review  
4 of permit decisions in Section 40 of this Act.

5 (j) Costs of corrective action or indemnification incurred  
6 by an owner or operator prior to July 28, 1989, shall not be  
7 eligible for payment or reimbursement under this Section.

8 (k) The Agency shall not pay costs of corrective action or  
9 indemnification incurred before providing notification of the  
10 release of petroleum in accordance with the provisions of this  
11 Title.

12 (l) Corrective action does not include legal defense costs.  
13 Legal defense costs include legal costs for seeking payment  
14 under this Title unless the owner or operator prevails before  
15 the Board in which case the Board may authorize payment of  
16 legal fees.

17 (m) The Agency may apportion payment of costs for plans  
18 submitted under Section 57.7 if:

19 (1) the owner or operator was deemed eligible to access  
20 the Fund for payment of corrective action costs for some,  
21 but not all, of the underground storage tanks at the site;  
22 and

23 (2) the owner or operator failed to justify all costs  
24 attributable to each underground storage tank at the site.

25 (n) The Agency shall not pay costs associated with a  
26 corrective action plan incurred after the Agency provides

1 notification to the owner or operator pursuant to item (7) of  
2 subsection (b) of Section 57.7 that a revised corrective action  
3 plan is required. Costs associated with any subsequently  
4 approved corrective action plan shall be eligible for  
5 reimbursement if they meet the requirements of this Title.

6 (Source: P.A. 98-109, eff. 7-25-13.)

7 (415 ILCS 5/57.10)

8 Sec. 57.10. Professional Engineer or professional  
9 geologist ~~Professional Geologist~~ certification; presumptions  
10 against liability.

11 (a) Within 120 days of the Agency's receipt of a corrective  
12 action completion report, the Agency shall issue to the owner  
13 or operator a "no further remediation letter" unless the Agency  
14 has requested a modification, issued a rejection under  
15 subsection (d) of this Section, or the report has been rejected  
16 by operation of law.

17 (b) By certifying such a statement, a Licensed Professional  
18 Engineer or a professional geologist ~~Licensed Professional~~  
19 ~~Geologist~~ shall in no way be liable thereon, unless the  
20 engineer or geologist gave such certification despite his or  
21 her actual knowledge that the performed measures were not in  
22 compliance with applicable statutory or regulatory  
23 requirements or any plan submitted to the Agency.

24 (c) The Agency's issuance of a no further remediation  
25 letter shall signify, based on the certification of the

1 Licensed Professional Engineer, that:

2 (1) all statutory and regulatory corrective action  
3 requirements applicable to the occurrence have been  
4 complied with;

5 (2) all corrective action concerning the remediation  
6 of the occurrence has been completed; and

7 (3) no further corrective action concerning the  
8 occurrence is necessary for the protection of human health,  
9 safety and the environment.

10 This subsection (c) does not apply to off-site contamination  
11 related to the occurrence that has not been remediated due to  
12 denial of access to the off-site property.

13 (d) The no further remediation letter issued under this  
14 Section shall apply in favor of the following parties:

15 (1) The owner or operator to whom the letter was  
16 issued.

17 (2) Any parent corporation or subsidiary of such owner  
18 or operator.

19 (3) Any co-owner or co-operator, either by joint  
20 tenancy, right-of-survivorship, or any other party sharing  
21 a legal relationship with the owner or operator to whom the  
22 letter is issued.

23 (4) Any holder of a beneficial interest of a land trust  
24 or inter vivos trust whether revocable or irrevocable.

25 (5) Any mortgagee or trustee of a deed of trust of such  
26 owner or operator.

1           (6) Any successor-in-interest of such owner or  
2 operator.

3           (7) Any transferee of such owner or operator whether  
4 the transfer was by sale, bankruptcy proceeding,  
5 partition, dissolution of marriage, settlement or  
6 adjudication of any civil action, charitable gift, or  
7 bequest.

8           (8) Any heir or devisee or such owner or operator.

9           (9) An owner of a parcel of real property to the extent  
10 that the no further remediation letter under subsection (c)  
11 of this Section applies to the occurrence on that parcel.

12           (e) If the Agency notifies the owner or operator that the  
13 "no further remediation" letter has been rejected, the grounds  
14 for such rejection shall be described in the notice. Such a  
15 decision shall be a final determination which may be appealed  
16 by the owner or operator.

17           (f) The Board shall adopt rules setting forth the criteria  
18 under which the Agency may require an owner or operator to  
19 conduct further investigation or remediation related to a  
20 release for which a no further remediation letter has been  
21 issued.

22           (g) Holders of security interests in sites subject to the  
23 requirements of this Title XVI shall be entitled to the same  
24 protections and subject to the same responsibilities provided  
25 under general regulations promulgated under Subtitle I of the  
26 Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of

1 the Resource Conservation and Recovery Act of 1976 (P.L.  
2 94-580).

3 (Source: P.A. 94-276, eff. 1-1-06.)

4 (415 ILCS 5/58.2)

5 Sec. 58.2. Definitions. The following words and phrases  
6 when used in this Title shall have the meanings given to them  
7 in this Section unless the context clearly indicates otherwise:

8 "Agrichemical facility" means a site on which agricultural  
9 pesticides are stored or handled, or both, in preparation for  
10 end use, or distributed. The term does not include basic  
11 manufacturing facility sites.

12 "ASTM" means the American Society for Testing and  
13 Materials.

14 "Area background" means concentrations of regulated  
15 substances that are consistently present in the environment in  
16 the vicinity of a site that are the result of natural  
17 conditions or human activities, and not the result solely of  
18 releases at the site.

19 "Brownfields site" or "brownfields" means a parcel of real  
20 property, or a portion of the parcel, that has actual or  
21 perceived contamination and an active potential for  
22 redevelopment.

23 "Class I groundwater" means groundwater that meets the  
24 Class I Potable Resource groundwater criteria set forth in the  
25 Board rules adopted under the Illinois Groundwater Protection

1 Act.

2 "Class III groundwater" means groundwater that meets the  
3 Class III Special Resource Groundwater criteria set forth in  
4 the Board rules adopted under the Illinois Groundwater  
5 Protection Act.

6 "Carcinogen" means a contaminant that is classified as a  
7 Category A1 or A2 Carcinogen by the American Conference of  
8 Governmental Industrial Hygienists; or a Category 1 or 2A/2B  
9 Carcinogen by the World Health Organizations International  
10 Agency for Research on Cancer; or a "Human Carcinogen" or  
11 "Anticipated Human Carcinogen" by the United States Department  
12 of Health and Human Service National Toxicological Program; or  
13 a Category A or B1/B2 Carcinogen by the United States  
14 Environmental Protection Agency in Integrated Risk Information  
15 System or a Final Rule issued in a Federal Register notice by  
16 the USEPA as of the effective date of this amendatory Act of  
17 1995.

18 "Licensed Professional Engineer" (LPE) means a person,  
19 corporation, or partnership licensed under the laws of this  
20 State to practice professional engineering.

21 ~~"Licensed Professional Geologist" means a person licensed~~  
22 ~~under the laws of the State of Illinois to practice as a~~  
23 ~~professional geologist.~~

24 "RELPEG" means a Licensed Professional Engineer or a  
25 professional geologist ~~Licensed Professional Geologist~~ engaged  
26 in review and evaluation under this Title.

1 "Man-made pathway" means constructed routes that may allow  
2 for the transport of regulated substances including, but not  
3 limited to, sewers, utility lines, utility vaults, building  
4 foundations, basements, crawl spaces, drainage ditches, or  
5 previously excavated and filled areas.

6 "Municipality" means an incorporated city, village, or  
7 town in this State. "Municipality" does not mean a township,  
8 town when that term is used as the equivalent of a township,  
9 incorporated town that has superseded a civil township, county,  
10 or school district, park district, sanitary district, or  
11 similar governmental district.

12 "Natural pathway" means natural routes for the transport of  
13 regulated substances including, but not limited to, soil,  
14 groundwater, sand seams and lenses, and gravel seams and  
15 lenses.

16 "Person" means individual, trust, firm, joint stock  
17 company, joint venture, consortium, commercial entity,  
18 corporation (including a government corporation), partnership,  
19 association, State, municipality, commission, political  
20 subdivision of a State, or any interstate body including the  
21 United States Government and each department, agency, and  
22 instrumentality of the United States.

23 "Regulated substance" means any hazardous substance as  
24 defined under Section 101(14) of the Comprehensive  
25 Environmental Response, Compensation, and Liability Act of  
26 1980 (P.L. 96-510) and petroleum products including crude oil

1 or any fraction thereof, natural gas, natural gas liquids,  
2 liquefied natural gas, or synthetic gas usable for fuel (or  
3 mixtures of natural gas and such synthetic gas).

4 "Remedial action" means activities associated with  
5 compliance with the provisions of Sections 58.6 and 58.7.

6 "Remediation Applicant" (RA) means any person seeking to  
7 perform or performing investigative or remedial activities  
8 under this Title, including the owner or operator of the site  
9 or persons authorized by law or consent to act on behalf of or  
10 in lieu of the owner or operator of the site.

11 "Remediation costs" means reasonable costs paid for  
12 investigating and remediating regulated substances of concern  
13 consistent with the remedy selected for a site.

14 For purposes of Section 58.14, "remediation costs" shall  
15 not include costs incurred prior to January 1, 1998, costs  
16 incurred after the issuance of a No Further Remediation Letter  
17 under Section 58.10 of this Act, or costs incurred more than 12  
18 months prior to acceptance into the Site Remediation Program.

19 For the purpose of Section 58.14a, "remediation costs" do  
20 not include any costs incurred before January 1, 2007, any  
21 costs incurred after the issuance of a No Further Remediation  
22 Letter under Section 58.10, or any costs incurred more than 12  
23 months before acceptance into the Site Remediation Program.

24 "Residential property" means any real property that is used  
25 for habitation by individuals and other property uses defined  
26 by Board rules such as education, health care, child care and



1 related uses.

2 "River Edge Redevelopment Zone" has the meaning set forth  
3 under the River Edge Redevelopment Zone Act.

4 "Site" means any single location, place, tract of land or  
5 parcel of property, or portion thereof, including contiguous  
6 property separated by a public right-of-way.

7 "Regulated substance of concern" means any contaminant  
8 that is expected to be present at the site based upon past and  
9 current land uses and associated releases that are known to the  
10 Remediation Applicant based upon reasonable inquiry.

11 (Source: P.A. 95-454, eff. 8-27-07.)

12 (415 ILCS 5/58.6)

13 Sec. 58.6. Remedial investigations and reports.

14 (a) Any RA who proceeds under this Title may elect to seek  
15 review and approval for any of the remediation objectives  
16 provided in Section 58.5 for any or all regulated substances of  
17 concern. The RA shall conduct investigations and remedial  
18 activities for regulated substances of concern and prepare  
19 plans and reports in accordance with this Section and rules  
20 adopted hereunder. The RA shall submit the plans and reports  
21 for review and approval in accordance with Section 58.7. All  
22 investigations, plans, and reports conducted or prepared under  
23 this Section shall be under the supervision of a Licensed  
24 Professional Engineer (LPE) or, in the case of a site  
25 investigation only, a professional geologist ~~Licensed~~

1 ~~Professional Geologist~~ in accordance with the requirements of  
2 this Title.

3 (b) (1) Site investigation and Site Investigation Report.  
4 The RA shall conduct a site investigation to determine the  
5 significant physical features of the site and vicinity that  
6 may affect contaminant transport and risk to human health,  
7 safety, and the environment and to determine the nature,  
8 concentration, direction and rate of movement, and extent  
9 of the contamination at the site.

10 (2) The RA shall compile the results of the  
11 investigations into a Site Investigation Report. At a  
12 minimum, the reports shall include the following, as  
13 applicable:

14 (A) Executive summary;

15 (B) Site history;

16 (C) Site-specific sampling methods and results;

17 (D) Documentation of field activities, including  
18 quality assurance project plan;

19 (E) Interpretation of results; and

20 (F) Conclusions.

21 (c) Remediation Objectives Report.

22 (1) If a RA elects to determine remediation objectives  
23 appropriate for the site using the Tier II or Tier III  
24 procedures under subsection (d) of Section 58.5, the RA  
25 shall develop such remediation objectives based on  
26 site-specific information. In support of such remediation

1 objectives, the RA shall prepare a Remediation Objectives  
2 Report demonstrating how the site-specific objectives were  
3 calculated or otherwise determined.

4 (2) If a RA elects to determine remediation objectives  
5 appropriate for the site using the area background  
6 procedures under subsection (b) of Section 58.5, the RA  
7 shall develop such remediation objectives based on  
8 site-specific literature review, sampling protocol, or  
9 appropriate statistical methods in accordance with Board  
10 rules. In support of such remediation objectives, the RA  
11 shall prepare a Remediation Objectives Report  
12 demonstrating how the area background remediation  
13 objectives were determined.

14 (d) Remedial Action Plan. If the approved remediation  
15 objectives for any regulated substance established under  
16 Section 58.5 are less than the levels existing at the site  
17 prior to any remedial action, the RA shall prepare a Remedial  
18 Action Plan. The Remedial Action Plan shall describe the  
19 selected remedy and evaluate its ability and effectiveness to  
20 achieve the remediation objectives approved for the site. At a  
21 minimum, the reports shall include the following, as  
22 applicable:

- 23 (1) Executive summary;  
24 (2) Statement of remediation objectives;  
25 (3) Remedial technologies selected;  
26 (4) Confirmation sampling plan;

1 (5) Current and projected future use of the property;  
2 and

3 (6) Applicable preventive, engineering, and  
4 institutional controls including long-term reliability,  
5 operating, and maintenance plans, and monitoring  
6 procedures.

7 (e) Remedial Action Completion Report.

8 (1) Upon completion of the Remedial Action Plan, the RA  
9 shall prepare a Remedial Action Completion Report. The  
10 report shall demonstrate whether the remedial action was  
11 completed in accordance with the approved Remedial Action  
12 Plan and whether the remediation objectives, as well as any  
13 other requirements of the plan, have been attained.

14 (2) If the approved remediation objectives for the  
15 regulated substances of concern established under Section  
16 58.5 are equal to or above the levels existing at the site  
17 prior to any remedial action, notification and  
18 documentation of such shall constitute the entire Remedial  
19 Action Completion Report for purposes of this Title.

20 (f) Ability to proceed. The RA may elect to prepare and  
21 submit for review and approval any and all reports or plans  
22 required under the provisions of this Section individually,  
23 following completion of each such activity; concurrently,  
24 following completion of all activities; or in any other  
25 combination. In any event, the review and approval process  
26 shall proceed in accordance with Section 58.7 and rules adopted

1 thereunder.

2 (g) Nothing in this Section shall prevent an RA from  
3 implementing or conducting an interim or any other remedial  
4 measure prior to election to proceed under Section 58.6.

5 (h) In accordance with Section 58.11, the Agency shall  
6 propose and the Board shall adopt rules to carry out the  
7 purposes of this Section.

8 (Source: P.A. 92-735, eff. 7-25-02.)

9 (415 ILCS 5/58.7)

10 Sec. 58.7. Review and approvals.

11 (a) Requirements. All plans and reports that are submitted  
12 pursuant to this Title shall be submitted for review or  
13 approval in accordance with this Section.

14 (b) Review and evaluation by the Agency.

15 (1) Except for sites excluded under subdivision (a) (2)  
16 of Section 58.1, the Agency shall, subject to available  
17 resources, agree to provide review and evaluation services  
18 for activities carried out pursuant to this Title for which  
19 the RA requested the services in writing. As a condition  
20 for providing such services, the Agency may require that  
21 the RA for a site:

22 (A) Conform with the procedures of this Title;

23 (B) Allow for or otherwise arrange site visits or  
24 other site evaluation by the Agency when so requested;

25 (C) Agree to perform the Remedial Action Plan as

1 approved under this Title;

2 (D) Agree to pay any reasonable costs incurred and  
3 documented by the Agency in providing such services;

4 (E) Make an advance partial payment to the Agency  
5 for such anticipated services in an amount, acceptable  
6 to the Agency, but not to exceed \$5,000 or one-half of  
7 the total anticipated costs of the Agency, whichever  
8 sum is less; and

9 (F) Demonstrate, if necessary, authority to act on  
10 behalf of or in lieu of the owner or operator.

11 (2) Any moneys received by the State for costs incurred  
12 by the Agency in performing review or evaluation services  
13 for actions conducted pursuant to this Title shall be  
14 deposited in the Hazardous Waste Fund.

15 (3) An RA requesting services under subdivision (b) (1)  
16 of this Section may, at any time, notify the Agency, in  
17 writing, that Agency services previously requested are no  
18 longer wanted. Within 180 days after receipt of the notice,  
19 the Agency shall provide the RA with a final invoice for  
20 services provided until the date of such notifications.

21 (4) The Agency may invoice or otherwise request or  
22 demand payment from a RA for costs incurred by the Agency  
23 in performing review or evaluation services for actions by  
24 the RA at sites only if:

25 (A) The Agency has incurred costs in performing  
26 response actions, other than review or evaluation

1 services, due to the failure of the RA to take response  
2 action in accordance with a notice issued pursuant to  
3 this Act;

4 (B) The RA has agreed in writing to the payment of  
5 such costs;

6 (C) The RA has been ordered to pay such costs by  
7 the Board or a court of competent jurisdiction pursuant  
8 to this Act; or

9 (D) The RA has requested or has consented to Agency  
10 review or evaluation services under subdivision  
11 (b) (1) of this Section.

12 (5) The Agency may, subject to available resources,  
13 agree to provide review and evaluation services for  
14 response actions if there is a written agreement among  
15 parties to a legal action or if a notice to perform a  
16 response action has been issued by the Agency.

17 (c) Review and evaluation by a Licensed Professional  
18 Engineer or a professional geologist ~~Licensed Professional~~  
19 ~~Geologist~~. A RA may elect to contract with a Licensed  
20 Professional Engineer or, in the case of a site investigation  
21 report only, a professional geologist ~~Licensed Professional~~  
22 ~~Geologist~~, who will perform review and evaluation services on  
23 behalf of and under the direction of the Agency relative to the  
24 site activities.

25 (1) Prior to entering into the contract with the  
26 RELPEG, the RA shall notify the Agency of the RELPEG to be

1 selected. The Agency and the RA shall discuss the potential  
2 terms of the contract.

3 (2) At a minimum, the contract with the RELPEG shall  
4 provide that the RELPEG will submit any reports directly to  
5 the Agency, will take his or her directions for work  
6 assignments from the Agency, and will perform the assigned  
7 work on behalf of the Agency.

8 (3) Reasonable costs incurred by the Agency shall be  
9 paid by the RA directly to the Agency in accordance with  
10 the terms of the review and evaluation services agreement  
11 entered into under subdivision (b) (1) of Section 58.7.

12 (4) In no event shall the RELPEG acting on behalf of  
13 the Agency be an employee of the RA or the owner or  
14 operator of the site or be an employee of any other person  
15 the RA has contracted to provide services relative to the  
16 site.

17 (d) Review and approval. All reviews required under this  
18 Title shall be carried out by the Agency or a RELPEG, both  
19 under the direction of a Licensed Professional Engineer or, in  
20 the case of the review of a site investigation only, a  
21 professional geologist ~~Licensed Professional Geologist~~.

22 (1) All review activities conducted by the Agency or a  
23 RELPEG shall be carried out in conformance with this Title  
24 and rules promulgated under Section 58.11.

25 (2) Subject to the limitations in subsection (c) and  
26 this subsection (d), the specific plans, reports, and



1 activities that the Agency or a RELPEG may review include:

2 (A) Site Investigation Reports and related  
3 activities;

4 (B) Remediation Objectives Reports;

5 (C) Remedial Action Plans and related activities;

6 and

7 (D) Remedial Action Completion Reports and related  
8 activities.

9 (3) Only the Agency shall have the authority to  
10 approve, disapprove, or approve with conditions a plan or  
11 report as a result of the review process including those  
12 plans and reports reviewed by a RELPEG. If the Agency  
13 disapproves a plan or report or approves a plan or report  
14 with conditions, the written notification required by  
15 subdivision (d) (4) of this Section shall contain the  
16 following information, as applicable:

17 (A) An explanation of the Sections of this Title  
18 that may be violated if the plan or report was  
19 approved;

20 (B) An explanation of the provisions of the rules  
21 promulgated under this Title that may be violated if  
22 the plan or report was approved;

23 (C) An explanation of the specific type of  
24 information, if any, that the Agency deems the  
25 applicant did not provide the Agency;

26 (D) A statement of specific reasons why the Title

1           and regulations might not be met if the plan or report  
2           were approved; and

3           (E) An explanation of the reasons for conditions if  
4           conditions are required.

5           (4) Upon approving, disapproving, or approving with  
6           conditions a plan or report, the Agency shall notify the RA  
7           in writing of its decision. In the case of approval or  
8           approval with conditions of a Remedial Action Completion  
9           Report, the Agency shall prepare a No Further Remediation  
10          Letter that meets the requirements of Section 58.10 and  
11          send a copy of the letter to the RA.

12          (5) All reviews undertaken by the Agency or a RELPEG  
13          shall be completed and the decisions communicated to the RA  
14          within 60 days of the request for review or approval. The  
15          RA may waive the deadline upon a request from the Agency.  
16          If the Agency disapproves or approves with conditions a  
17          plan or report or fails to issue a final decision within  
18          the 60 day period and the RA has not agreed to a waiver of  
19          the deadline, the RA may, within 35 days, file an appeal to  
20          the Board. Appeals to the Board shall be in the manner  
21          provided for the review of permit decisions in Section 40  
22          of this Act.

23          (e) Standard of review. In making determinations, the  
24          following factors, and additional factors as may be adopted by  
25          the Board in accordance with Section 58.11, shall be considered  
26          by the Agency when reviewing or approving plans, reports, and

1 related activities, or the RELPEG, when reviewing plans,  
2 reports, and related activities:

3 (1) Site Investigation Reports and related activities:

4 Whether investigations have been conducted and the results  
5 compiled in accordance with the appropriate procedures and  
6 whether the interpretations and conclusions reached are  
7 supported by the information gathered. In making the  
8 determination, the following factors shall be considered:

9 (A) The adequacy of the description of the site and  
10 site characteristics that were used to evaluate the  
11 site;

12 (B) The adequacy of the investigation of potential  
13 pathways and risks to receptors identified at the site;  
14 and

15 (C) The appropriateness of the sampling and  
16 analysis used.

17 (2) Remediation Objectives Reports: Whether the  
18 remediation objectives are consistent with the  
19 requirements of the applicable method for selecting or  
20 determining remediation objectives under Section 58.5. In  
21 making the determination, the following factors shall be  
22 considered:

23 (A) If the objectives were based on the  
24 determination of area background levels under  
25 subsection (b) of Section 58.5, whether the review of  
26 current and historic conditions at or in the immediate

1 vicinity of the site has been thorough and whether the  
2 site sampling and analysis has been performed in a  
3 manner resulting in accurate determinations;

4 (B) If the objectives were calculated on the basis  
5 of predetermined equations using site specific data,  
6 whether the calculations were accurately performed and  
7 whether the site specific data reflect actual site  
8 conditions; and

9 (C) If the objectives were determined using a site  
10 specific risk assessment procedure, whether the  
11 procedure used is nationally recognized and accepted,  
12 whether the calculations were accurately performed,  
13 and whether the site specific data reflect actual site  
14 conditions.

15 (3) Remedial Action Plans and related activities:  
16 Whether the plan will result in compliance with this Title,  
17 and rules adopted under it and attainment of the applicable  
18 remediation objectives. In making the determination, the  
19 following factors shall be considered:

20 (A) The likelihood that the plan will result in the  
21 attainment of the applicable remediation objectives;

22 (B) Whether the activities proposed are consistent  
23 with generally accepted engineering practices; and

24 (C) The management of risk relative to any  
25 remaining contamination, including but not limited to,  
26 provisions for the long-term enforcement, operation,

1           and maintenance of institutional and engineering  
2           controls, if relied on.

3           (4) Remedial Action Completion Reports and related  
4           activities: Whether the remedial activities have been  
5           completed in accordance with the approved Remedial Action  
6           Plan and whether the applicable remediation objectives  
7           have been attained.

8           (f) All plans and reports submitted for review shall  
9           include a Licensed Professional Engineer's certification that  
10          all investigations and remedial activities were carried out  
11          under his or her direction and, to the best of his or her  
12          knowledge and belief, the work described in the plan or report  
13          has been completed in accordance with generally accepted  
14          engineering practices, and the information presented is  
15          accurate and complete. In the case of a site investigation  
16          report prepared or supervised by a professional geologist  
17          ~~Licensed Professional Geologist~~, the required certification  
18          may be made by the professional geologist ~~Licensed Professional~~  
19          ~~Geologist~~ (rather than a Licensed Professional Engineer) and  
20          based upon generally accepted principles of professional  
21          geology.

22          (g) In accordance with Section 58.11, the Agency shall  
23          propose and the Board shall adopt rules to carry out the  
24          purposes of this Section. At a minimum, the rules shall detail  
25          the types of services the Agency may provide in response to  
26          requests under subdivision (b) (1) of this Section and the

1 recordkeeping it will utilize in documenting to the RA the  
2 costs incurred by the Agency in providing such services.

3 (h) Public participation.

4 (1) The Agency shall develop guidance to assist RA's in  
5 the implementation of a community relations plan to address  
6 activity at sites undergoing remedial action pursuant to  
7 this Title.

8 (2) The RA may elect to enter into a services agreement  
9 with the Agency for Agency assistance in community outreach  
10 efforts.

11 (3) The Agency shall maintain a registry listing those  
12 sites undergoing remedial action pursuant to this Title.

13 (4) Notwithstanding any provisions of this Section,  
14 the RA of a site undergoing remedial activity pursuant to  
15 this Title may elect to initiate a community outreach  
16 effort for the site.

17 (Source: P.A. 95-331, eff. 8-21-07.)

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

20 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

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

22 (a) Conviction and disposition shall not entail the loss by  
23 the defendant of any civil rights, except under this Section  
24 and Sections 29-6 and 29-10 of The Election Code, as now or

1 hereafter amended.

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

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

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

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

25 (f) Upon entry of the order, the court shall issue to the  
26 person in whose favor the order has been entered a certificate

1 stating that his behavior after conviction has warranted the  
2 issuance of the order.

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

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

15 (1) there is a direct relationship between one or more  
16 of the previous criminal offenses and the specific license  
17 sought; or

18 (2) the issuance of the license would involve an  
19 unreasonable risk to property or to the safety or welfare  
20 of specific individuals or the general public.

21 In making such a determination, the licensing agency shall  
22 consider the following factors:

23 (1) the public policy of this State, as expressed in  
24 Article 5.5 of this Chapter, to encourage the licensure and  
25 employment of persons previously convicted of one or more  
26 criminal offenses;



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

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

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

9           (5) the age of the person at the time of occurrence of  
10 the criminal offense or offenses;

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

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

18           (8) the legitimate interest of the licensing agency in  
19 protecting property, and the safety and welfare of specific  
20 individuals or the general public.

21           (i) A certificate of relief from disabilities shall be  
22 issued only for a license or certification issued under the  
23 following Acts:

24           (1) the Animal Welfare Act; except that a certificate  
25 of relief from disabilities may not be granted to provide  
26 for the issuance or restoration of a license under the

1 Animal Welfare Act for any person convicted of violating  
2 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane  
3 Care for Animals Act or Section 26-5 or 48-1 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012;

5 (2) the Illinois Athletic Trainers Practice Act;

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

8 (4) the Boiler and Pressure Vessel Repairer Regulation  
9 Act;

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

11 (6) the Illinois Certified Shorthand Reporters Act of  
12 1984;

13 (7) the Illinois Farm Labor Contractor Certification  
14 Act;

15 (8) the Interior Design Title Act;

16 (9) the Illinois Professional Land Surveyor Act of  
17 1989;

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

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

20 (12) the Private Employment Agency Act;

21 (13) the Professional Counselor and Clinical  
22 Professional Counselor Licensing and Practice Act;

23 (14) the Real Estate License Act of 2000;

24 (15) the Illinois Roofing Industry Licensing Act;

25 (16) the Professional Engineering Practice Act of  
26 1989;

1 (17) the Water Well and Pump Installation Contractor's  
2 License Act;

3 (18) the Electrologist Licensing Act;

4 (19) the Auction License Act;

5 (20) the Illinois Architecture Practice Act of 1989;

6 (21) the Dietitian Nutritionist Practice Act;

7 (22) the Environmental Health Practitioner Licensing  
8 Act;

9 (23) the Funeral Directors and Embalmers Licensing  
10 Code;

11 (24) (blank) ~~the Land Sales Registration Act of 1999;~~

12 (25) (blank) ~~the Professional Geologist Licensing Act;~~

13 (26) the Illinois Public Accounting Act; and

14 (27) the Structural Engineering Practice Act of 1989.

15 (Source: P.A. 97-119, eff. 7-14-11; 97-706, eff. 6-25-12;  
16 97-1108, eff. 1-1-13; 97-1141, eff. 12-28-12; 97-1150, eff.  
17 1-25-13; 98-756, eff. 7-16-14.)

18 (765 ILCS 86/Act rep.)

19 Section 95. The Land Sales Registration Act of 1999 is  
20 repealed.

21 (765 ILCS 101/Act rep.)

22 Section 100. The Real Estate Timeshare Act of 1999 is  
23 repealed.

1           Section 999. Effective date. This Act takes effect upon  
2    becoming law.".