



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3036

Introduced 2/15/2018, by Sen. Chuck Weaver

SYNOPSIS AS INTRODUCED:

225 ILCS 407/30-30
225 ILCS 427/25
225 ILCS 454/25-10
225 ILCS 458/25-10

Amends the Auction License Act, the Community Association Manager Licensing and Disciplinary Act, the Real Estate License Act of 2000, and the Real Estate Appraiser Licensing Act of 2002. Makes changes to the terms for members of the Auction Advisory Board, the Community Association Manager Licensing and Disciplinary Board, the Real Estate Administration and Disciplinary Board, and the Real Estate Appraisal Administration and Disciplinary Board. Provides that the members' terms shall be for 4 years and the term expires upon completion of the term. Provides that the Community Association Manager Licensing and Disciplinary Board that are serving on the Board on the effective date of the amendatory Act may serve the remainder of their unexpired terms. Provides that no member of the Real Estate Administration and Disciplinary Board shall be reappointed to the Board for a term that would cause his or her cumulative service to the Board to exceed 10 years (rather than 12 years). Makes changes to the appointment process for vacancies on the Auction Advisory Board, the Community Association Manager Licensing and Disciplinary Board, and the Real Estate Appraisal Administration and Disciplinary Board. Effective immediately.

LRB100 17553 XWW 32723 b

1 AN ACT concerning regulation.

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

4 Section 5. The Auction License Act is amended by changing
5 Section 30-30 as follows:

6 (225 ILCS 407/30-30)

7 (Section scheduled to be repealed on January 1, 2020)

8 Sec. 30-30. Auction Advisory Board.

9 (a) There is hereby created the Auction Advisory Board. The
10 Advisory Board shall consist of 7 members and shall be
11 appointed by the Secretary. In making the appointments, the
12 Secretary shall give due consideration to the recommendations
13 by members and organizations of the industry, including but not
14 limited to the Illinois State Auctioneers Association. Five
15 members of the Advisory Board shall be licensed auctioneers,
16 except that for the initial appointments, these members may be
17 persons without a license, but who have been auctioneers for at
18 least 5 years preceding their appointment to the Advisory
19 Board. One member shall be a public member who represents the
20 interests of consumers and who is not licensed under this Act
21 or the spouse of a person licensed under this Act or who has
22 any responsibility for management or formation of policy of or
23 any financial interest in the auctioneering profession or any

1 other connection with the profession. One member shall be
2 actively engaged in the real estate industry and licensed as a
3 broker or salesperson. The Advisory Board shall annually elect
4 one of its members to serve as Chairperson.

5 (b) The members' terms shall be for 4 years and expire upon
6 completion of the term. No member shall be reappointed to the
7 Board for a term that would cause his or her cumulative service
8 to the Board to exceed 10 years. Appointments to fill vacancies
9 shall be made by the Secretary for the unexpired portion of the
10 term. ~~Members shall be appointed for a term of 4 years, except~~
11 ~~that of the initial appointments, 3 members shall be appointed~~
12 ~~to serve a term of 3 years and 4 members shall be appointed to~~
13 ~~serve a term of 4 years. The Secretary shall fill a vacancy for~~
14 ~~the remainder of any unexpired term. Each member shall serve on~~
15 ~~the Advisory Board until his or her successor is appointed and~~
16 ~~qualified. No person shall be appointed to serve more than 2~~
17 ~~terms, including the unexpired portion of a term due to~~
18 ~~vacancy.~~ To the extent practicable, the Secretary shall appoint
19 members to ensure ~~insure~~ that the various geographic regions of
20 the State are properly represented on the Advisory Board.

21 (c) Four Board members shall constitute a quorum. A quorum
22 is required for all Board decisions.

23 (d) Each member of the Advisory Board shall receive a per
24 diem stipend in an amount to be determined by the Secretary.
25 Each member shall be paid his or her necessary expenses while
26 engaged in the performance of his or her duties.

1 (e) Members of the Advisory Board shall be immune from suit
2 in an action based upon any disciplinary proceedings or other
3 acts performed in good faith as members of the Advisory Board.

4 (f) The Advisory Board shall meet as convened by the
5 Department.

6 (g) The Advisory Board shall advise the Department on
7 matters of licensing and education and make recommendations to
8 the Department on those matters and shall hear and make
9 recommendations to the Secretary on disciplinary matters that
10 require a formal evidentiary hearing.

11 (h) The Secretary shall give due consideration to all
12 recommendations of the Advisory Board.

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

14 Section 10. The Community Association Manager Licensing
15 and Disciplinary Act is amended by changing Section 25 as
16 follows:

17 (225 ILCS 427/25)

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

19 Sec. 25. Community Association Manager Licensing and
20 Disciplinary Board.

21 (a) There is hereby created the Community Association
22 Manager Licensing and Disciplinary Board, which shall consist
23 of 7 members appointed by the Secretary. All members must be
24 residents of the State and must have resided in the State for

1 at least 5 years immediately preceding the date of appointment.
2 Five members of the Board must be licensees under this Act, at
3 least two members of which shall be supervising community
4 association managers. Two members of the Board shall be owners
5 of, or hold a shareholder's interest in, a unit in a community
6 association at the time of appointment who are not licensees
7 under this Act and have no direct affiliation or work
8 experience with the community association's community
9 association manager. This Board shall act in an advisory
10 capacity to the Department.

11 (b) Members serving on the Board on the effective date of
12 this amendatory Act of the 100th General Assembly may serve the
13 remainder of their unexpired terms. Thereafter, the members'
14 terms shall be for 4 years and expire upon completion of the
15 term. No member shall be reappointed to the Board for a term
16 that would cause his or her cumulative service to the Board to
17 exceed 10 years. Appointments to fill vacancies shall be made
18 by the Secretary for the unexpired portion of the term. Board
19 ~~members shall serve for terms of 5 years, except that,~~
20 ~~initially, 4 members shall serve for 5 years and 3 members~~
21 ~~shall serve for 4 years. All members shall serve until his or~~
22 ~~her successor is appointed and qualified. All vacancies shall~~
23 ~~be filled in like manner for the unexpired term. No member~~
24 ~~shall serve for more than 2 successive terms.~~ The Secretary
25 shall remove from the Board any member whose license has become
26 void or has been revoked or suspended and may remove any member

1 of the Board for neglect of duty, misconduct, or incompetence.
2 A member who is subject to formal disciplinary proceedings
3 shall disqualify himself or herself from all Board business
4 until the charge is resolved. A member also shall disqualify
5 himself or herself from any matter on which the member cannot
6 act objectively.

7 (c) Four Board members shall constitute a quorum. A quorum
8 is required for all Board decisions.

9 (d) The Board shall elect annually a chairperson and vice
10 chairperson.

11 (e) Each member shall receive reimbursement as set by the
12 Governor's Travel Control Board for expenses incurred in
13 carrying out the duties as a Board member. The Board shall be
14 compensated as determined by the Secretary.

15 (f) The Board may recommend policies, procedures, and rules
16 relevant to the administration and enforcement of this Act.

17 (Source: P.A. 98-365, eff. 1-1-14.)

18 Section 15. The Real Estate License Act of 2000 is amended
19 by changing Section 25-10 as follows:

20 (225 ILCS 454/25-10)

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

22 Sec. 25-10. Real Estate Administration and Disciplinary
23 Board; duties. There is created the Real Estate Administration
24 and Disciplinary Board. The Board shall be composed of 15

1 persons appointed by the Governor. Members shall be appointed
2 to the Board subject to the following conditions:

3 (1) All members shall have been residents and citizens
4 of this State for at least 6 years prior to the date of
5 appointment.

6 (2) Twelve members shall have been actively engaged as
7 managing brokers or brokers or both for at least the 10
8 years prior to the appointment, 2 of whom must possess an
9 active pre-license instructor license.

10 (3) Three members of the Board shall be public members
11 who represent consumer interests.

12 None of these members shall be (i) a person who is licensed
13 under this Act or a similar Act of another jurisdiction, (ii)
14 the spouse or family member of a licensee, (iii) a person who
15 has an ownership interest in a real estate brokerage business,
16 or (iv) a person the Department determines to have any other
17 connection with a real estate brokerage business or a licensee.

18 The members' terms shall be for 4 years and expire upon
19 completion of the term ~~or until their successor is appointed,~~
20 ~~and the expiration of their terms shall be staggered.~~ No member
21 shall be reappointed to the Board for a term that would cause
22 his or her cumulative service to the Board to exceed 10 ~~12~~
23 years. Appointments to fill vacancies shall be for the
24 unexpired portion of the term. Those members of the Board that
25 satisfy the requirements of paragraph (2) shall be chosen in a
26 manner such that no area of the State shall be unreasonably

1 represented. In making the appointments, the Governor shall
2 give due consideration to the recommendations by members and
3 organizations of the profession. The Governor may terminate the
4 appointment of any member for cause that in the opinion of the
5 Governor reasonably justifies the termination. Cause for
6 termination shall include without limitation misconduct,
7 incapacity, neglect of duty, or missing 4 board meetings during
8 any one calendar year. Each member of the Board may receive a
9 per diem stipend in an amount to be determined by the
10 Secretary. Each member shall be paid his or her necessary
11 expenses while engaged in the performance of his or her duties.
12 Such compensation and expenses shall be paid out of the Real
13 Estate License Administration Fund. The Secretary shall
14 consider the recommendations of the Board on questions
15 involving standards of professional conduct, discipline,
16 education, and policies and procedures under this Act. With
17 regard to this subject matter, the Secretary may establish
18 temporary or permanent committees of the Board and may consider
19 the recommendations of the Board on matters that include, but
20 are not limited to, criteria for the licensing and renewal of
21 education providers, pre-license and continuing education
22 instructors, pre-license and continuing education curricula,
23 standards of educational criteria, and qualifications for
24 licensure and renewal of professions, courses, and
25 instructors. The Department, after notifying and considering
26 the recommendations of the Board, if any, may issue rules,

1 consistent with the provisions of this Act, for the
2 administration and enforcement thereof and may prescribe forms
3 that shall be used in connection therewith. Eight Board members
4 shall constitute a quorum. A quorum is required for all Board
5 decisions.

6 (Source: P.A. 99-227, eff. 8-3-15; 100-188, eff. 1-1-18.)

7 Section 20. The Real Estate Appraiser Licensing Act of 2002
8 is amended by changing Section 25-10 as follows:

9 (225 ILCS 458/25-10)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 25-10. Real Estate Appraisal Administration and
12 Disciplinary Board; appointment.

13 (a) There is hereby created the Real Estate Appraisal
14 Administration and Disciplinary Board. The Board shall be
15 composed of 10 persons appointed by the Governor, plus the
16 Coordinator of the Real Estate Appraisal Division. Members
17 shall be appointed to the Board subject to the following
18 conditions:

19 (1) All appointed members shall have been residents and
20 citizens of this State for at least 5 years prior to the
21 date of appointment.

22 (2) The appointed membership of the Board should
23 reasonably reflect the geographic distribution of the
24 population of the State.

1 (3) Four appointed members shall have been actively
2 engaged and currently licensed as State certified general
3 real estate appraisers for a period of not less than 5
4 years.

5 (4) Two appointed members shall have been actively
6 engaged and currently licensed as State certified
7 residential real estate appraisers for a period of not less
8 than 5 years.

9 (5) Two appointed members shall hold a valid license as
10 a real estate broker for at least 10 years prior to the
11 date of the appointment, one of whom shall hold a valid
12 State certified general real estate appraiser license
13 issued under this Act or a predecessor Act for a period of
14 at least 5 years prior to the appointment and one of whom
15 shall hold a valid State certified residential real estate
16 appraiser license issued under this Act or a predecessor
17 Act for a period of at least 5 years prior to the
18 appointment.

19 (6) One appointed member shall be a representative of a
20 financial institution, as evidenced by his or her
21 employment with a financial institution.

22 (7) One appointed member shall represent the interests
23 of the general public. This member or his or her spouse
24 shall not be licensed under this Act nor be employed by or
25 have any interest in an appraisal business, appraisal
26 management company, real estate brokerage business, or a

1 financial institution.

2 In making appointments as provided in paragraphs (3) and
3 (4) of this subsection, the Governor shall give due
4 consideration to recommendations by members and organizations
5 representing the profession.

6 In making the appointments as provided in paragraph (5) of
7 this subsection, the Governor shall give due consideration to
8 the recommendations by members and organizations representing
9 the real estate industry.

10 In making the appointment as provided in paragraph (6) of
11 this subsection, the Governor shall give due consideration to
12 the recommendations by members and organizations representing
13 financial institutions.

14 (b) The members' terms shall be for 4 years and expire upon
15 completion of the term. No member shall be reappointed to the
16 Board for a term that would cause his or her cumulative service
17 to the Board to exceed 10 years. Appointments to fill vacancies
18 shall be for the unexpired portion of the term. ~~The term for~~
19 ~~members of the Board shall be 4 years, and each member shall~~
20 ~~serve until his or her successor is appointed and qualified.~~

21 (c) The Governor may terminate the appointment of a member
22 for cause that, in the opinion of the Governor, reasonably
23 justifies the termination. Cause for termination may include,
24 without limitation, misconduct, incapacity, neglect of duty,
25 or missing 4 Board meetings during any one calendar year.

26 (d) A majority of the Board members shall constitute a

1 quorum. A vacancy in the membership of the Board shall not
2 impair the right of a quorum to exercise all of the rights and
3 perform all of the duties of the Board.

4 (e) The Board shall meet at least quarterly and may be
5 convened by the Chairperson, Vice-Chairperson, or 3 members of
6 the Board upon 10 days written notice.

7 (f) The Board shall, annually at the first meeting of the
8 fiscal year, elect a Chairperson and Vice-Chairperson from its
9 members. The Chairperson shall preside over the meetings and
10 shall coordinate with the Coordinator in developing and
11 distributing an agenda for each meeting. In the absence of the
12 Chairperson, the Vice-Chairperson shall preside over the
13 meeting.

14 (g) The Coordinator of the Real Estate Appraisal Division
15 shall serve as a member of the Board without vote.

16 (h) The Board shall advise and make recommendations to the
17 Department on the education and experience qualifications of
18 any applicant for initial licensure as a State certified
19 general real estate appraiser or a State certified residential
20 real estate appraiser. The Department shall not make any
21 decisions concerning education or experience qualifications of
22 an applicant for initial licensure as a State certified general
23 real estate appraiser or a State certified residential real
24 estate appraiser without having first received the advice and
25 recommendation of the Board and shall give due consideration to
26 all such advice and recommendations; however, if the Board does

1 not render advice or make a recommendation within a reasonable
2 amount of time, then the Department may render a decision.

3 (i) Except as provided in Section 15-17 of this Act, the
4 Board shall hear and make recommendations to the Secretary on
5 disciplinary matters that require a formal evidentiary
6 hearing. The Secretary shall give due consideration to the
7 recommendations of the Board involving discipline and
8 questions involving standards of professional conduct of
9 licensees.

10 (j) The Department shall seek and the Board shall provide
11 recommendations to the Department consistent with the
12 provisions of this Act and for the administration and
13 enforcement of all rules adopted pursuant to this Act. The
14 Department shall give due consideration to such
15 recommendations prior to adopting rules.

16 (k) The Department shall seek and the Board shall provide
17 recommendations to the Department on the approval of all
18 courses submitted to the Department pursuant to this Act and
19 the rules adopted pursuant to this Act. The Department shall
20 not approve any courses without having first received the
21 recommendation of the Board and shall give due consideration to
22 such recommendations prior to approving and licensing courses;
23 however, if the Board does not make a recommendation within a
24 reasonable amount of time, then the Department may approve
25 courses.

26 (l) Each voting member of the Board shall receive a per

1 diem stipend in an amount to be determined by the Secretary.
2 Each member shall be paid his or her necessary expenses while
3 engaged in the performance of his or her duties.

4 (m) Members of the Board shall be immune from suit in an
5 action based upon any disciplinary proceedings or other acts
6 performed in good faith as members of the Board.

7 (n) If the Department disagrees with any advice or
8 recommendation provided by the Board under this Section to the
9 Secretary or the Department, then notice of such disagreement
10 must be provided to the Board by the Department.

11 (o) Upon resolution adopted at any Board meeting, the
12 exercise of any Board function, power, or duty enumerated in
13 this Section or in subsection (d) of Section 15-10 of this Act
14 may be suspended. The exercise of any suspended function,
15 power, or duty of the Board may be reinstated by a resolution
16 adopted at a subsequent Board meeting. Any resolution adopted
17 pursuant to this Section shall take effect immediately.

18 (Source: P.A. 98-1109, eff. 1-1-15.)

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.