



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

HB0562

Introduced 2/8/2021, by Rep. Marcus C. Evans, Jr.

SYNOPSIS AS INTRODUCED:

See Index

Amends the Home Inspector License Act. Provides that all applicants and licensees shall provide a valid address and email address to the Department of Financial and Professional Regulation and inform the Department of any change of address or email address within 14 days. Provides that the Department may adopt rules to permit the issuance of citations to any licensee for failure to comply with the continuing education requirements set forth in the Act or as established by rule. Provides that all applicants for a home inspector license and all licensees shall maintain general liability insurance in an amount of not less than \$100,000 with deductibles of not more than \$2,500. Provides that except as otherwise expressly provided, nothing in the Act shall be construed to grant to any person a private right of action for damages or to enforce the provisions of the Act or the rules adopted under the Act. Makes changes in provisions concerning necessity of license, use of title, and exemptions; application for a home inspector license; renewal of a license; endorsement; continuing education renewal requirements; retention of records; grounds for disciplinary action; investigation, notice, and hearing; returned checks and dishonored credit card charges and penalty fees; violations, injunctions, and cease and desist orders; and education providers. Repeals a provision concerning peer review advisors. Amends the Regulatory Sunset Act to repeal the Home Inspector License Act on January 1, 2032. Effective January 1, 2022, except provisions amending the Regulatory Sunset Act take effect immediately.

LRB102 02734 SPS 12886 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 The Collateral Recovery Act.

12 The Community Association Manager Licensing and
13 Disciplinary Act.

14 The Crematory Regulation Act.

15 The Detection of Deception Examiners Act.

16 ~~The Home Inspector License Act.~~

17 The Illinois Health Information Exchange and Technology
18 Act.

19 The Medical Practice Act of 1987.

20 The Registered Interior Designers Act.

21 The Massage Licensing Act.

22 The Petroleum Equipment Contractors Licensing Act.

23 The Radiation Protection Act of 1990.

1 The Real Estate Appraiser Licensing Act of 2002.

2 The Water Well and Pump Installation Contractor's License
3 Act.

4 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;
5 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

6 (5 ILCS 80/4.41 new)

7 Sec. 4.41. Act repealed on January 1, 2032. The following
8 Act is repealed on January 1, 2032:

9 The Home Inspector License Act.

10 Section 10. The Home Inspector License Act is amended by
11 changing Sections 1-10, 5-5, 5-10, 5-12, 5-16, 5-17, 5-20,
12 5-30, 10-10, 15-10, 15-15, 15-20, 15-55, 15-60, 20-5, 25-15,
13 and 25-27 and by adding Sections 1-12, 5-50, 15-10.1, and
14 15-36 as follows:

15 (225 ILCS 441/1-10)

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

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

19 "Address of record" means the designated street address,
20 which may not be a post office box, recorded by the Department
21 in the applicant's or licensee's application file or license
22 file as maintained by the ~~Department's licensure maintenance~~
23 ~~unit. It is the duty of the applicant or licensee to inform the~~

1 ~~Department of any change of address and those changes must be~~
2 ~~made either through the Department's website or by contacting~~
3 ~~the Department.~~

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

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

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

10 "Email address of record" means the designated email
11 address recorded by the Department in the applicant's
12 application file or the licensee's license file, as maintained
13 by the Department.

14 "Home inspection" means the examination and evaluation of
15 the exterior and interior components of residential real
16 property, which includes the inspection of any 2 or more of the
17 following components of residential real property in
18 connection with or to facilitate the sale, lease, or other
19 conveyance of, or the proposed sale, lease or other conveyance
20 of, residential real property:

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

22 (2) plumbing system;

23 (3) electrical system;

24 (4) structural composition;

25 (5) foundation;

26 (6) roof;

1 (7) masonry structure; or

2 (8) any other residential real property component as
3 established by rule.

4 "Home inspector" means a person who, for another and for
5 compensation either direct or indirect, performs home
6 inspections.

7 "Home inspection report" or "inspection report" means a
8 written evaluation prepared and issued by a home inspector
9 upon completion of a home inspection, which meets the
10 standards of practice as established by the Department.

11 "Inspection assignment" means an engagement for which a
12 home inspector is employed or retained to conduct a home
13 inspection and prepare a home inspection report.

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

17 "Licensee" means a home inspector, home inspector entity,
18 or home inspector education provider.

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

24 "Residential real property" means real property that is
25 used or intended to be used as a residence by one or more
26 individuals.

1 "Secretary" means the Secretary of Financial and
2 Professional Regulation or the Secretary's designee.

3 "Standards of practice" means recognized standards and
4 codes to be used in a home inspection, as determined by the
5 Department and established by rule.

6 (Source: P.A. 97-226, eff. 7-28-11.)

7 (225 ILCS 441/1-12 new)

8 Sec. 1-12. Address of record; email address of record. All
9 applicants and licensees shall:

10 (1) provide a valid address and email address to the
11 Department, which shall serve as the address of record and
12 email address of record, respectively, at the time of
13 application for licensure or renewal of a license; and

14 (2) inform the Department of any change of address of
15 record or email address of record within 14 days after
16 such change through the Department's website or by
17 contacting the Department.

18 (225 ILCS 441/5-5)

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

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

21 (a) It is unlawful for any person, including any entity,
22 to act or assume to act as a home inspector, to engage in the
23 business of home inspection, to develop a home inspection
24 report, to practice as a home inspector, or to advertise or

1 hold oneself ~~himself, herself, or itself~~ out to be a home
2 inspector without a home inspector license issued under this
3 Act. A person who violates this subsection is guilty of a Class
4 A misdemeanor for the first offense and a Class 4 felony for
5 the second and any subsequent offenses.

6 (b) It is unlawful for any person, other than a person who
7 holds a valid home inspector license issued pursuant to this
8 Act, to use the title "home inspector" or any other title,
9 designation, or abbreviation likely to create the impression
10 that the person is licensed as a home inspector pursuant to
11 this Act. A person who violates this subsection is guilty of a
12 Class A misdemeanor.

13 (c) The licensing requirements of this Article do not
14 apply to:

15 (1) any person who is employed as a code enforcement
16 official by the State of Illinois or any unit of local
17 government, while acting within the scope of that
18 government employment;

19 (2) any person licensed in this State by any other law
20 who is engaging in the profession or occupation for which
21 the person is licensed ~~by the State of Illinois while~~
22 ~~acting within the scope of his or her license; or~~

23 (3) any person engaged by the owner or lessor of
24 residential real property for the purpose of preparing a
25 bid or estimate as to the work necessary or the costs
26 associated with performing home construction, home

1 remodeling, or home repair work on the residential real
2 property, provided such person does not ~~hold himself or~~
3 ~~herself out, or~~ advertise or hold oneself out as himself
4 ~~or herself, as being~~ engaged in business as a home
5 inspector.

6 (Source: P.A. 97-226, eff. 7-28-11.)

7 (225 ILCS 441/5-10)

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

9 Sec. 5-10. Application for home inspector license. Every
10 natural person who desires to obtain a home inspector license
11 shall:

12 (1) apply to the Department in a manner ~~on forms~~
13 prescribed by the Department and accompanied by the
14 required fee; all applications shall contain the
15 information that, in the judgment of the Department,
16 enables the Department to pass on the qualifications of
17 the applicant for a license to practice as a home
18 inspector as set by rule;

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

20 (3) successfully complete a 4-year course of study in
21 a high school or secondary school or an equivalent course
22 of study approved by the state in which the school is
23 located, or possess a high school equivalency certificate,
24 which shall be verified under oath by the applicant
25 ~~provide evidence of having attained a high school diploma~~

1 ~~or completed an equivalent course of study as determined~~
2 ~~by an examination conducted by the Illinois State Board of~~
3 ~~Education;~~

4 (4) personally take and pass an examination authorized
5 by the Department; and

6 (5) prior to taking the examination, provide evidence
7 to the Department that the applicant ~~he or she~~ has
8 successfully completed the prerequisite classroom hours of
9 instruction in home inspection, as established by rule.

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

15 (Source: P.A. 100-892, eff. 8-14-18.)

16 (225 ILCS 441/5-12)

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

18 Sec. 5-12. Application for home inspector license; entity.
19 Every entity that is not a natural person that desires to
20 obtain a home inspector license shall apply to the Department
21 in a manner prescribed ~~on forms provided~~ by the Department and
22 accompanied by the required fee.

23 Applicants have 3 years after the date of the application
24 to complete the application process. If the process has not
25 been completed within 3 years, the application shall be

1 denied, the fee forfeited, and the applicant must reapply and
2 meet the requirements in effect at the time of reapplication.

3 (Source: P.A. 97-226, eff. 7-28-11.)

4 (225 ILCS 441/5-16)

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

6 Sec. 5-16. Renewal of license.

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

12 (1) completing and submitting to the Department a
13 renewal application in a manner prescribed ~~form as~~
14 ~~provided~~ by the Department;

15 (2) paying the required fees; and

16 (3) providing evidence of successful completion of the
17 continuing education requirements through courses approved
18 by the Department given by education providers licensed by
19 the Department, as established by rule.

20 (b) A home inspector whose license under this Act has
21 expired may renew the license for a period of 2 years following
22 the expiration date by complying with the requirements of
23 subparagraphs (1), (2), and (3) of subsection (a) of this
24 Section and paying any late penalties established by rule.

25 (c) Notwithstanding subsection (b), a home inspector whose

1 license under this Act has expired may renew the license
2 without paying any lapsed renewal fees or late penalties if
3 (i) the license expired while the home inspector was on active
4 duty with the United States Armed Services, (ii) application
5 for renewal is made within 2 years following the termination
6 of the military service or related education, training, or
7 employment, and (iii) the applicant furnishes to the
8 Department an affidavit that the applicant ~~he or she~~ was so
9 engaged.

10 (d) The Department shall provide reasonable care and due
11 diligence to ensure that each licensee under this Act is
12 provided a renewal application at least 90 days prior to the
13 expiration date, but it is the responsibility of each licensee
14 to renew the ~~his or her~~ license prior to its expiration date.

15 (Source: P.A. 97-226, eff. 7-28-11.)

16 (225 ILCS 441/5-17)

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

18 Sec. 5-17. Renewal of home inspector license; entity.

19 (a) The expiration date and renewal period for a home
20 inspector license for an entity that is not a natural person
21 shall be set by rule. The holder of a license may renew the
22 license within 90 days preceding the expiration date by
23 completing and submitting to the Department a renewal
24 application in a manner prescribed ~~form as provided~~ by the
25 Department and paying the required fees.

1 (b) An entity that is not a natural person whose license
2 under this Act has expired may renew the license for a period
3 of 2 years following the expiration date by complying with the
4 requirements of subsection (a) of this Section and paying any
5 late penalties established by rule.

6 (Source: P.A. 97-226, eff. 7-28-11.)

7 (225 ILCS 441/5-20)

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

9 Sec. 5-20. Endorsement. The Department may, in its
10 discretion, license as a home inspector, by endorsement, on
11 payment of the required fee, an applicant who is a home
12 inspector licensed under the laws of another state or
13 territory, if (i) the requirements for licensure in the state
14 or territory in which the applicant was licensed were, at the
15 date of ~~his or her~~ licensure, substantially equivalent to the
16 requirements in force in this State on that date or (ii) there
17 were no requirements in force in this State on the date of ~~his~~
18 ~~or her~~ licensure and the applicant possessed individual
19 qualifications on that date that are substantially similar to
20 the requirements under this Act. The Department may adopt any
21 rules necessary to implement this Section.

22 Applicants have 3 years after the date of application to
23 complete the application process. If the process has not been
24 completed within 3 years, the application shall be denied, the
25 fee forfeited, and the applicant must reapply and meet the

1 requirements in effect at the time of reapplication.

2 (Source: P.A. 97-226, eff. 7-28-11.)

3 (225 ILCS 441/5-30)

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

5 Sec. 5-30. Continuing education renewal requirements. The
6 continuing education requirements for a person to renew a
7 license as a home inspector shall be established by rule. ~~The~~
8 ~~Department shall establish a continuing education completion~~
9 ~~deadline for home inspector licensees and require evidence of~~
10 ~~compliance with continuing education requirements in a manner~~
11 ~~established by rule before the renewal of a license.~~

12 (Source: P.A. 100-831, eff. 1-1-19.)

13 (225 ILCS 441/5-50 new)

14 Sec. 5-50. Insurance.

15 (a) All applicants for a home inspector license and all
16 licensees shall maintain general liability insurance in an
17 amount of not less than \$100,000 with deductibles of not more
18 than \$2,500.

19 (b) Failure of an applicant or a licensee to carry and
20 maintain the insurance required by this Section, to timely
21 submit proof of coverage upon the Department's request, or to
22 timely report any claims made against such policies of
23 insurance shall be grounds for the denial of an application to
24 renew a license, or the suspension or revocation of the

1 license.

2 (c) The policies of insurance submitted by an applicant
3 for a new license or an applicant for renewal of a license must
4 include the name of the applicant as it appears or will appear
5 on the license.

6 (d) A home inspector shall maintain the insurance required
7 by this Section for at least one year after the latest home
8 inspection report the home inspector delivered.

9 (e) The Department may adopt rules to implement this
10 Section.

11 (225 ILCS 441/10-10)

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

13 Sec. 10-10. Retention of records. A person licensed under
14 this Act shall retain the original or a true and exact copy of
15 all written contracts that engage the licensee's ~~engaging his~~
16 ~~or her~~ services as a home inspector and all home inspection
17 reports, including any supporting data used to develop the
18 home inspection report, for a period of 5 years or 2 years
19 after the final disposition of any judicial proceeding, which
20 includes any appeal, in which testimony was given, whichever
21 is longer.

22 (Source: P.A. 97-226, eff. 7-28-11.)

23 (225 ILCS 441/15-10)

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

1 Sec. 15-10. Grounds for disciplinary action.

2 (a) The Department may refuse to issue or renew, or may
3 revoke, suspend, place on probation, reprimand, or take other
4 disciplinary or non-disciplinary action as the Department may
5 deem appropriate, including imposing fines not to exceed
6 \$25,000 for each violation, with regard to any license for any
7 one or combination of the following:

8 (1) Fraud or misrepresentation in applying for, or
9 procuring a license under this Act or in connection with
10 applying for renewal of a license under this Act.

11 (2) Failing to meet the minimum qualifications for
12 licensure as a home inspector established by this Act.

13 (3) Paying money, other than for the fees provided for
14 by this Act, or anything of value to an employee of the
15 Department to procure licensure under this Act.

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

1 (5) Committing an act or omission involving
2 dishonesty, fraud, or misrepresentation with the intent to
3 substantially benefit the licensee or another person or
4 with the intent to substantially injure another person.

5 (6) Violating a provision or standard for the
6 development or communication of home inspections as
7 provided in Section 10-5 of this Act or as defined in the
8 rules.

9 (7) Failing or refusing to exercise reasonable
10 diligence in the development, reporting, or communication
11 of a home inspection report, as defined by this Act or the
12 rules.

13 (8) Violating a provision of this Act or the rules.

14 (9) Having been disciplined by another state, the
15 District of Columbia, a territory, a foreign nation, a
16 governmental agency, or any other entity authorized to
17 impose discipline if at least one of the grounds for that
18 discipline is the same as or substantially equivalent to
19 one of the grounds for which a licensee may be disciplined
20 under this Act.

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

24 (11) Accepting an inspection assignment when the
25 employment itself is contingent upon the home inspector
26 reporting a predetermined analysis or opinion, or when the

1 fee to be paid is contingent upon the analysis, opinion,
2 or conclusion reached or upon the consequences resulting
3 from the home inspection assignment.

4 (12) Developing home inspection opinions or
5 conclusions based on the race, color, religion, sex,
6 national origin, ancestry, age, marital status, family
7 status, physical or mental disability, military status, ~~or~~
8 unfavorable discharge from military status ~~discharge~~,
9 sexual orientation, order of protection status, or
10 pregnancy, as defined under the Illinois Human Rights Act,
11 of the prospective or present owners or occupants of the
12 area or property under home inspection.

13 (13) Being adjudicated liable in a civil proceeding on
14 grounds of fraud, misrepresentation, or deceit. In a
15 disciplinary proceeding based upon a finding of civil
16 liability, the home inspector shall be afforded an
17 opportunity to present mitigating and extenuating
18 circumstances, but may not collaterally attack the civil
19 adjudication.

20 (14) Being adjudicated liable in a civil proceeding
21 for violation of a State or federal fair housing law.

22 (15) Engaging in misleading or untruthful advertising
23 or using a trade name or insignia of membership in a home
24 inspection organization of which the licensee is not a
25 member.

26 (16) Failing, within 30 days, to provide information

1 in response to a written request made by the Department.

2 (17) Failing to include within the home inspection
3 report the home inspector's license number and the date of
4 expiration of the license. The names of (i) all persons
5 who conducted the home inspection; and (ii) all persons
6 who prepared the subsequent written evaluation or any part
7 thereof must be disclosed in the report. ~~All home~~
8 ~~inspectors providing significant contribution to the~~
9 ~~development and reporting of a home inspection must be~~
10 ~~disclosed in the home inspection report.~~ It is a violation
11 of this Act for a home inspector to sign a home inspection
12 report knowing that the names of all such persons have a
13 ~~person providing a significant contribution to the report~~
14 ~~has~~ not been disclosed in the home inspection report.

15 (18) Advising a client as to whether the client should
16 or should not engage in a transaction regarding the
17 residential real property that is the subject of the home
18 inspection.

19 (19) Performing a home inspection in a manner that
20 damages or alters the residential real property that is
21 the subject of the home inspection without the consent of
22 the owner.

23 (20) Performing a home inspection when the home
24 inspector is providing or may also provide other services
25 in connection with the residential real property or
26 transaction, or has an interest in the residential real

1 property, without providing prior written notice of the
2 potential or actual conflict and obtaining the prior
3 consent of the client as provided by rule.

4 (21) Aiding or assisting another person in violating
5 any provision of this Act or rules adopted under this Act.

6 (22) Inability to practice with reasonable judgment,
7 skill, or safety as a result of habitual or excessive use
8 or addiction to alcohol, narcotics, stimulants, or any
9 other chemical agent or drug.

10 (23) A finding by the Department that the licensee,
11 after having the ~~his or her~~ license placed on probationary
12 status, has violated the terms of probation.

13 (24) Willfully making or filing false records or
14 reports related to the ~~in his or her~~ practice of home
15 inspection, including, but not limited to, false records
16 filed with State agencies or departments.

17 (25) Charging for professional services not rendered,
18 including filing false statements for the collection of
19 fees for which services are not rendered.

20 (26) Practicing under a false or, except as provided
21 by law, an assumed name.

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

24 (28) Engaging in any of the following prohibited
25 fraudulent, false, deceptive, or misleading advertising
26 practices:

1 (i) advertising as a home inspector or operating a
2 home inspection business entity unless there is a duly
3 licensed home inspector responsible for all inspection
4 activities and all inspections;

5 (ii) advertising that contains a misrepresentation
6 of facts or false statements regarding the licensee's
7 professional achievements, degrees, training, skills,
8 or qualifications in the home inspection profession or
9 any other profession requiring licensure;

10 (iii) advertising that makes only a partial
11 disclosure of relevant facts related to pricing or
12 home inspection services; and

13 (iv) advertising that claims this State or any of
14 its political subdivisions endorse the home inspection
15 report or its contents.

16 (29) Disclosing, except as otherwise required by law,
17 inspection results or client information obtained without
18 the client's written consent. A home inspector shall not
19 deliver a home inspection report to any person other than
20 the client of the home inspector without the client's
21 written consent.

22 (30) Providing fees, gifts, insurance, waivers of
23 liability, or other forms of compensation or gratuities to
24 persons licensed under any real estate professional
25 licensing act in this State.

26 (b) The Department may suspend, revoke, or refuse to issue

1 or renew an education provider's license, may reprimand, place
2 on probation, or otherwise discipline an education provider
3 licensee, and may suspend or revoke the course approval of any
4 course offered by an education provider, for any of the
5 following:

6 (1) Procuring or attempting to procure licensure by
7 knowingly making a false statement, submitting false
8 information, making any form of fraud or
9 misrepresentation, or refusing to provide complete
10 information in response to a question in an application
11 for licensure.

12 (2) Failing to comply with the covenants certified to
13 on the application for licensure as an education provider.

14 (3) Committing an act or omission involving
15 dishonesty, fraud, or misrepresentation or allowing any
16 such act or omission by any employee or contractor under
17 the control of the education provider.

18 (4) Engaging in misleading or untruthful advertising.

19 (5) Failing to retain competent instructors in
20 accordance with rules adopted under this Act.

21 (6) Failing to meet the topic or time requirements for
22 course approval as the provider of a pre-license
23 curriculum course or a continuing education course.

24 (7) Failing to administer an approved course using the
25 course materials, syllabus, and examinations submitted as
26 the basis of the course approval.

1 (8) Failing to provide an appropriate classroom
2 environment for presentation of courses, with
3 consideration for student comfort, acoustics, lighting,
4 seating, workspace, and visual aid material.

5 (9) Failing to maintain student records in compliance
6 with the rules adopted under this Act.

7 (10) Failing to provide a certificate, transcript, or
8 other student record to the Department or to a student as
9 may be required by rule.

10 (11) Failing to fully cooperate with a Department
11 investigation by knowingly making a false statement,
12 submitting false or misleading information, or refusing to
13 provide complete information in response to written
14 interrogatories or a written request for documentation
15 within 30 days of the request.

16 (c) (Blank). ~~In appropriate cases, the Department may~~
17 ~~resolve a complaint against a licensee through the issuance of~~
18 ~~a Consent to Administrative Supervision order. A licensee~~
19 ~~subject to a Consent to Administrative Supervision order shall~~
20 ~~be considered by the Department as an active licensee in good~~
21 ~~standing. This order shall not be reported as or considered by~~
22 ~~the Department to be a discipline of the licensee. The records~~
23 ~~regarding an investigation and a Consent to Administrative~~
24 ~~Supervision order shall be considered confidential and shall~~
25 ~~not be released by the Department except as mandated by law.~~
26 ~~The complainant shall be notified that his or her complaint~~

1 ~~has been resolved by a Consent to Administrative Supervision~~
2 ~~order.~~

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

13 (e) (Blank).

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

25 (g) The determination by a circuit court that a licensee
26 is subject to involuntary admission or judicial admission, as

1 provided in the Mental Health and Developmental Disabilities
2 Code, operates as an automatic suspension. The suspension will
3 end only upon a finding by a court that the patient is no
4 longer subject to involuntary admission or judicial admission
5 and the issuance of a court order so finding and discharging
6 the patient.

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

26 ~~A person holding a license under this Act or who has~~

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

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

1 ~~confidentiality of medical records.~~

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

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

8 (225 ILCS 441/15-10.1 new)

9 Sec. 15-10.1. Citations.

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

21 (b) Service of a citation shall be made in person,
22 electronically, or by mail to the licensee at the licensee's
23 address of record or email address of record, and the citation
24 must clearly state that if the cited licensee wishes to
25 dispute the citation, the cited licensee may make a written

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

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

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

1 (225 ILCS 441/15-15)

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

3 Sec. 15-15. Investigation; notice; hearing. The Department
4 may investigate the actions of any applicant or licensee or of
5 any person or persons rendering or offering to render home
6 inspection services or any person holding or claiming to hold
7 a license as a home inspector. The Department shall, before
8 refusing to issue or renew a license or to discipline a
9 licensee pursuant to Section 15-10, at least 30 days prior to
10 the date set for the hearing, (i) notify the accused in
11 writing, of the charges made and the time and place for the
12 hearing on the charges, (ii) direct the licensee or applicant
13 ~~him or her~~ to file a written answer with the Department under
14 oath within 20 days after the service of the notice, and (iii)
15 inform the applicant or licensee that failure to file an
16 answer will result in a default judgment being entered against
17 the applicant or licensee. At the time and place fixed in the
18 notice, the Department shall proceed to hear the charges and
19 the parties of their counsel shall be accorded ample
20 opportunity to present any pertinent statements, testimony,
21 evidence, and arguments. The Department may continue the
22 hearing from time to time. In case the person, after receiving
23 the notice, fails to file an answer, the ~~his or her~~ license,
24 may, in the discretion of the Department, be revoked,
25 suspended, placed on probationary status, or the Department
26 may take whatever disciplinary actions considered proper,

1 including limiting the scope, nature, or extent of the
2 person's practice or the imposition of a fine, without a
3 hearing, if the act or acts charged constitute sufficient
4 grounds for that action under the Act. The notice may be served
5 by personal delivery, by mail, or, at the discretion of the
6 Department, by electronic means to the address of record or
7 email address of record specified by the accused as last
8 updated with the Department. ~~The written notice may be served~~
9 ~~by personal delivery or by certified mail to the accused's~~
10 ~~address of record.~~

11 A copy of the hearing officer's report or any Order of
12 Default, along with a copy of the original complaint giving
13 rise to the action, shall be served upon the applicant,
14 licensee, or unlicensed person by the Department to the
15 applicant, licensee, or unlicensed individual in the manner
16 provided in this Act for the service of a notice of hearing.
17 Within 20 days after service, the applicant or licensee may
18 present to the Department a motion in writing for a rehearing,
19 which shall specify the particular grounds for rehearing. The
20 Department may respond to the motion, or if a motion for
21 rehearing is denied, then upon denial, the Secretary may enter
22 an order in accordance with the recommendations of the hearing
23 officer. If the applicant or licensee orders from the
24 reporting service and pays for a transcript of the record
25 within the time for filing a motion for rehearing, then the
26 20-day period during which a motion may be filed shall

1 commence upon the delivery of the transcript to the applicant
2 or licensee.

3 (Source: P.A. 97-226, eff. 7-28-11.)

4 (225 ILCS 441/15-20)

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

6 Sec. 15-20. Administrative Review Law; certification fees;
7 Illinois Administrative Procedure Act.

8 (a) All final administrative decisions of the Department
9 under this Act are subject to judicial review pursuant to the
10 provisions of the Administrative Review Law and the rules
11 adopted pursuant thereto. The term "administrative decision"
12 has the meaning ascribed to it in Section 3-101 of the
13 Administrative Review Law.

14 (b) The Department shall not be required to certify any
15 record to the court or file any answer in court or otherwise
16 appear in any court in a judicial review proceeding, unless
17 and until the Department has received from the plaintiff
18 payment of the costs of furnishing and certifying the record,
19 which costs shall be determined by the Department. Exhibits
20 shall be certified without cost. Failure on the part of the
21 plaintiff to file a receipt in court is grounds for dismissal
22 of the action.

23 (c) The Illinois Administrative Procedure Act is hereby
24 expressly adopted and incorporated herein. In the event of a
25 conflict between this Act and the Illinois Administrative

1 Procedure Act, this Act shall control.

2 (d) Proceedings for judicial review shall be commenced in
3 the circuit court of the county in which the party applying for
4 review resides, but if the party is not a resident of Illinois,
5 the venue shall be in Sangamon County or Cook County.

6 (Source: P.A. 97-226, eff. 7-28-11.)

7 (225 ILCS 441/15-36 new)

8 Sec. 15-36. No private right of action. Except as
9 otherwise expressly provided for in this Act, nothing in this
10 Act shall be construed to grant to any person a private right
11 of action for damages or to enforce the provisions of this Act
12 or the rules adopted under this Act.

13 (225 ILCS 441/15-55)

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

15 Sec. 15-55. Returned checks and dishonored credit card
16 charges; penalty fee; ~~revocation~~ termination. A person who (1)
17 delivers a check or other payment to the Department that is
18 returned to the Department unpaid by the financial institution
19 upon which it was drawn shall pay to the Department; or (2)
20 presents a credit or debit card for payment that is invalid or
21 expired or against which charges by the Department are
22 declined or dishonored, in addition to the amount already
23 owed, a penalty fee of \$50. The Department shall notify the
24 person, ~~by certified mail return receipt requested,~~ that the

1 ~~his or her~~ check or payment was returned or that the credit
2 card charge was dishonored and that the person shall pay to the
3 Department by certified check or money order the amount of the
4 returned check plus a \$50 penalty fee within 30 calendar days
5 after the date of the notification. If, after the expiration
6 of 30 calendar days of the notification, the person has failed
7 to remit the necessary funds and penalty, the Department shall
8 automatically revoke ~~terminate~~ the license or deny the
9 application without hearing. If the returned check or other
10 payment was for issuance of a license under this Act and that
11 person practices as a home inspector, that person may be
12 subject to discipline for unlicensed practice as provided in
13 this Act. If, after revocation ~~termination~~ or denial, the
14 person seeks a license, the applicant or licensee ~~he or she~~
15 shall petition the Department for restoration or issuance of
16 the license and ~~he or she~~ may be subject to additional
17 discipline or fines. The Secretary may waive the penalties or
18 fines due under this Section in individual cases where the
19 Secretary finds that the penalties or fines would be
20 unreasonable or unnecessarily burdensome.

21 (Source: P.A. 97-226, eff. 7-28-11.)

22 (225 ILCS 441/15-60)

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

24 Sec. 15-60. Violations; injunction; cease and desist
25 orders.

1 (a) If any person violates a provision of this Act, the
2 Secretary may, in the name of the People of the State of
3 Illinois, through the Attorney General of the State of
4 Illinois or the State's Attorney in the county in which the
5 offense occurs, petition for an order enjoining the violation
6 or for an order enforcing compliance with this Act. Upon the
7 filing of a verified petition in court, the court may issue a
8 temporary restraining order, without notice or bond, and may
9 preliminarily and permanently enjoin the violation. If it is
10 established that the person has violated or is violating the
11 injunction, the court may punish the offender for contempt of
12 court. Proceedings under this Section shall be in addition to,
13 and not in lieu of, all other remedies and penalties provided
14 by this Act.

15 (b) If any person practices as a home inspector or holds
16 oneself ~~himself or herself~~ out as a home inspector without
17 being licensed under the provisions of this Act, then the
18 Secretary, any licensed home inspector, any interested party,
19 or any person injured thereby may petition for relief as
20 provided in subsection (a) of this Section or may apply to the
21 circuit court of the county in which the violation or some part
22 thereof occurred, or in which the person complained of resides
23 or has a ~~his or her~~ principal place of business ~~or resides~~, to
24 prevent the violation. The court has jurisdiction to enforce
25 obedience by injunction or by other process restricting the
26 person complained of from further violation and may enjoin

1 ~~enjoining~~ upon the person ~~him or her~~ obedience.

2 (c) Whoever knowingly practices or offers to practice home
3 inspection in this State without a license for that purpose
4 shall be guilty of a Class A misdemeanor for the first offense
5 and shall be guilty of a Class 4 felony for the second and any
6 subsequent offense.

7 (d) Whenever, in the opinion of the Department, a person
8 violates any provision of this Act, the Department may issue a
9 rule to show cause why an order to cease and desist should not
10 be entered against that person. The rule shall clearly set
11 forth the grounds relied upon by the Department and shall
12 provide a period of 7 days from the date of the rule to file an
13 answer to the satisfaction of the Department. Failure to
14 answer to the satisfaction of the Department shall cause an
15 order to cease and desist to be issued.

16 (Source: P.A. 97-226, eff. 7-28-11.)

17 (225 ILCS 441/20-5)

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

19 Sec. 20-5. Education provider.

20 (a) Only education providers licensed by the Department
21 may provide the pre-license and continuing education courses
22 required for licensure under this Act.

23 (b) A person or entity seeking to be licensed as an
24 education provider under this Act shall provide satisfactory
25 evidence of the following:

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

3 (2) a sufficient number of qualified instructors;

4 (3) adequate support personnel to assist with
5 administrative matters and technical assistance;

6 (4) a written policy dealing with procedures for
7 management of grievances and fee refunds;

8 (5) a qualified school administrator, who is
9 responsible for the administration of the school, courses,
10 and the actions of the instructors; and

11 (6) any other requirements provided by rule.

12 (c) All applicants for an education provider's license
13 shall make initial application to the Department in a manner
14 prescribed ~~on forms provided~~ by the Department and pay the
15 appropriate fee as provided by rule. In addition to any other
16 information required to be contained in the application as
17 prescribed by rule, every application for an original or
18 renewed license shall include the applicant's tax
19 identification number. The term, expiration date, and renewal
20 of an education provider's license shall be established by
21 rule.

22 (d) An education provider shall provide each successful
23 course participant with a certificate of completion signed by
24 the school administrator. The format and content of the
25 certificate shall be specified by rule.

26 (e) All education providers shall provide to the

1 Department a monthly roster of all successful course
2 participants as provided by rule.

3 (Source: P.A. 97-226, eff. 7-28-11.)

4 (225 ILCS 441/25-15)

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

6 Sec. 25-15. Liaison; duties. The Secretary shall appoint
7 an employee of the Department to:

8 (1) (blank);

9 (2) be the direct liaison between the Department, ~~peer~~
10 ~~review advisors,~~ the profession, home inspectors, and
11 related industry organizations and associations; and

12 (3) prepare and circulate to licensees such
13 educational and informational material as the Department
14 deems necessary for providing guidance or assistance to
15 licensees.

16 (Source: P.A. 97-226, eff. 7-28-11.)

17 (225 ILCS 441/25-27)

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

19 Sec. 25-27. Subpoenas; depositions; oaths.

20 (a) The Department may subpoena and bring before it any
21 person to take oral or written testimony or compel the
22 production of any books, papers, records, or any other
23 documents the Secretary or the Secretary's ~~his or her~~ designee
24 deems relevant or material to any investigation or hearing

1 conducted by the Department with the same fees and in the same
2 manner as prescribed in civil cases in the courts of this
3 State.

4 (b) Any circuit court, upon the application of the
5 licensee or the Department, may order the attendance and
6 testimony of witnesses and the production of relevant
7 documents, files, records, books, and papers in connection
8 with any hearing or investigation. The circuit court may
9 compel obedience to its order by proceedings for contempt.

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

16 (Source: P.A. 97-226, eff. 7-28-11.)

17 (225 ILCS 441/25-17 rep.)

18 Section 15. The Home Inspector License Act is amended by
19 repealing Section 25-17.

20 Section 99. Effective date. This Act takes effect January
21 1, 2022, except that this Section and Section 5 take effect
22 upon becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 5 ILCS 80/4.32
- 4 5 ILCS 80/4.41 new
- 5 225 ILCS 441/1-10
- 6 225 ILCS 441/1-12 new
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- 8 225 ILCS 441/5-10
- 9 225 ILCS 441/5-12
- 10 225 ILCS 441/5-16
- 11 225 ILCS 441/5-17
- 12 225 ILCS 441/5-20
- 13 225 ILCS 441/5-30
- 14 225 ILCS 441/5-50 new
- 15 225 ILCS 441/10-10
- 16 225 ILCS 441/15-10
- 17 225 ILCS 441/15-10.1 new
- 18 225 ILCS 441/15-15
- 19 225 ILCS 441/15-20
- 20 225 ILCS 441/15-36 new
- 21 225 ILCS 441/15-55
- 22 225 ILCS 441/15-60
- 23 225 ILCS 441/20-5
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1 225 ILCS 441/25-17 rep.