

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 Acts repealed on January 1, 2022.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8 Acts are repealed on January 1, 2022: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 Act repealed on January 1, 2032.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8 Act is repealed on January 1, 2032: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 5-25, 5-30, 10-10, 15-10, 15-15, 15-20, 15-55, 15-60, 20-5,
13 25-15, and 25-27 and by adding Sections 1-12, 5-50, 15-10.1,
14 and 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16 (Section scheduled to be repealed on January 1, 2022)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 or entity who, for another
5 and for 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 (d) The licensing of home inspector entities required
7 under this Act does not apply to an entity whose ownership
8 structure is one licensed home inspector operating a sole
9 proprietorship, a single member limited liability company, or
10 a single shareholder corporation, and that home inspector is
11 the only licensed home inspector performing inspections on the
12 entity's behalf. The licensed home inspector who is the sole
13 proprietor, sole shareholder, or single member of the company
14 or entity shall comply with all other provisions of this Act.

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

16 (225 ILCS 441/5-10)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 5-10. Application for home inspector license.

19 (a) Every natural person who desires to obtain a home
20 inspector license shall:

21 (1) apply to the Department in a manner ~~on forms~~
22 prescribed by the Department and accompanied by the
23 required fee; all applications shall contain the
24 information that, in the judgment of the Department,
25 enables the Department to pass on the qualifications of

1 the applicant for a license to practice as a home
2 inspector as set by rule;

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

4 (3) successfully complete a 4-year course of study in
5 a high school or secondary school or an equivalent course
6 of study approved by the state in which the school is
7 located, or possess a high school equivalency certificate,
8 which shall be verified under oath by the applicant
9 ~~provide evidence of having attained a high school diploma~~
10 ~~or completed an equivalent course of study as determined~~
11 ~~by an examination conducted by the Illinois State Board of~~
12 ~~Education;~~

13 (4) personally take and pass a written examination and
14 a field ~~an~~ examination authorized by the Department; and

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

19 (b) The Department shall not require applicants to report
20 the following information and shall not consider the following
21 criminal history records in connection with an application for
22 licensure or registration:

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

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

6 (3) records of arrest not followed by a charge or
7 conviction;

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

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

15 (6) convictions or arrests that have been sealed or
16 expunged.

17 (c) An applicant or licensee shall report to the
18 Department, in a manner prescribed by the Department, upon
19 application and within 30 days after the occurrence, if during
20 the term of licensure, (i) any conviction of or plea of guilty
21 or nolo contendere to forgery, embezzlement, obtaining money
22 under false pretenses, larceny, extortion, conspiracy to
23 defraud, or any similar offense or offenses or any conviction
24 of a felony involving moral turpitude, (ii) the entry of an
25 administrative sanction by a government agency in this State
26 or any other jurisdiction that has as an essential element

1 dishonesty or fraud or involves larceny, embezzlement, or
2 obtaining money, property, or credit by false pretenses, or
3 (iii) a crime that subjects the licensee to compliance with
4 the requirements of the Sex Offender Registration Act.

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

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

12 (225 ILCS 441/5-12)

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

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

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

24 A corporation, limited liability company, partnership, or
25 entity shall, as a condition of licensure, designate a

1 managing licensed home inspector. The managing home inspector
2 of any home inspector entity shall be responsible for the
3 actions of all licensed and unlicensed employees, agents, and
4 representatives of that home inspector entity while it is
5 providing a home inspection or home inspection service. All
6 other requirements for home inspector entities shall be
7 established by rule.

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

9 (225 ILCS 441/5-16)

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

11 Sec. 5-16. Renewal of license.

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

17 (1) completing and submitting to the Department a
18 renewal application in a manner prescribed ~~form as~~
19 ~~provided~~ by the Department;

20 (2) paying the required fees; and

21 (3) providing evidence of successful completion of the
22 continuing education requirements through courses approved
23 by the Department given by education providers licensed by
24 the Department, as established by rule.

25 (b) A home inspector whose license under this Act has

1 expired may renew the license for a period of 2 years following
2 the expiration date by complying with the requirements of
3 subparagraphs (1), (2), and (3) of subsection (a) of this
4 Section and paying any late penalties established by rule.

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

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

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

21 (225 ILCS 441/5-17)

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

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

24 (a) The expiration date and renewal period for a home
25 inspector license for an entity that is not a natural person

1 shall be set by rule. The holder of a license may renew the
2 license within 90 days preceding the expiration date by
3 completing and submitting to the Department a renewal
4 application in a manner prescribed ~~form as provided~~ by the
5 Department and paying the required fees.

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

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

12 (225 ILCS 441/5-20)

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

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

1 rules necessary to implement this Section.

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

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

8 (225 ILCS 441/5-25)

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

10 Sec. 5-25. Pre-license education requirements. The
11 prerequisite curriculum and classroom hours necessary for a
12 person to be approved to sit for the examination for a home
13 inspector shall be established by rule. Approved education, as
14 prescribed by this Act and its associated administrative rules
15 for licensure as a home inspector, shall be valid for 2 years
16 after the date of satisfactory completion of the education.

17 (Source: P.A. 92-239, eff. 8-3-01.)

18 (225 ILCS 441/5-30)

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

20 Sec. 5-30. Continuing education renewal requirements. The
21 continuing education requirements for a person to renew a
22 license as a home inspector shall be established by rule. ~~The~~
23 ~~Department shall establish a continuing education completion~~
24 ~~deadline for home inspector licensees and require evidence of~~

1 ~~compliance with continuing education requirements in a manner~~
2 ~~established by rule before the renewal of a license.~~

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

4 (225 ILCS 441/5-50 new)

5 Sec. 5-50. Insurance.

6 (a) All applicants for a home inspector license and all
7 licensees shall maintain general liability insurance in an
8 amount of not less than \$100,000.

9 (b) Failure of an applicant or a licensee to carry and
10 maintain the insurance required by this Section, to timely
11 submit proof of coverage upon the Department's request, or to
12 timely report any claims made against such policies of
13 insurance shall be grounds for the denial of an application to
14 renew a license, or the suspension or revocation of the
15 license.

16 (c) The policies of insurance submitted by an applicant
17 for a new license or an applicant for renewal of a license must
18 include the name of the applicant as it appears or will appear
19 on the license.

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

23 (e) The Department may adopt rules to implement this
24 Section.

1 (225 ILCS 441/10-10)

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

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

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

13 (225 ILCS 441/15-10)

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

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

16 (a) The Department may refuse to issue or renew, or may
17 revoke, suspend, place on probation, reprimand, or take other
18 disciplinary or non-disciplinary action as the Department may
19 deem appropriate, including imposing fines not to exceed
20 \$25,000 for each violation, with regard to any license for any
21 one or combination of the following:

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

25 (2) Failing to meet the minimum qualifications for

1 licensure as a home inspector established by this Act.

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

5 (4) Conviction of, or by plea of guilty or nolo
6 contendere, or finding as enumerated in subsection (c) of
7 Section 5-10, of guilt, jury verdict, or entry of judgment
8 or by sentencing of any crime, including, but not limited
9 to, convictions, preceding sentences of supervision,
10 conditional discharge, or first offender probation, under
11 the laws of any jurisdiction of the United States: (i)
12 that is a felony, ~~;~~ (ii) that is a misdemeanor, or
13 administrative sanction, or (ii) an essential element of
14 which is dishonesty, or that is directly related to the
15 practice of the profession; or (iii) that is a crime that
16 subjects the licensee to compliance with the requirements
17 of the Sex Offender Registration Act.

18 (5) Committing an act or omission involving
19 dishonesty, fraud, or misrepresentation with the intent to
20 substantially benefit the licensee or another person or
21 with the intent to substantially injure another person.

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

26 (7) Failing or refusing to exercise reasonable

1 diligence in the development, reporting, or communication
2 of a home inspection report, as defined by this Act or the
3 rules.

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

5 (9) Having been disciplined by another state, the
6 District of Columbia, a territory, a foreign nation, a
7 governmental agency, or any other entity authorized to
8 impose discipline if at least one of the grounds for that
9 discipline is the same as or substantially equivalent to
10 one of the grounds for which a licensee may be disciplined
11 under this Act.

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

15 (11) Accepting an inspection assignment when the
16 employment itself is contingent upon the home inspector
17 reporting a predetermined analysis or opinion, or when the
18 fee to be paid is contingent upon the analysis, opinion,
19 or conclusion reached or upon the consequences resulting
20 from the home inspection assignment.

21 (12) Developing home inspection opinions or
22 conclusions based on the race, color, religion, sex,
23 national origin, ancestry, age, marital status, family
24 status, physical or mental disability, military status, ~~or~~
25 unfavorable discharge from military status ~~discharge~~,
26 sexual orientation, order of protection status, or

1 pregnancy, as defined under the Illinois Human Rights Act,
2 of the prospective or present owners or occupants of the
3 area or property under home inspection.

4 (13) Being adjudicated liable in a civil proceeding on
5 grounds of fraud, misrepresentation, or deceit. In a
6 disciplinary proceeding based upon a finding of civil
7 liability, the home inspector shall be afforded an
8 opportunity to present mitigating and extenuating
9 circumstances, but may not collaterally attack the civil
10 adjudication.

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

13 (15) Engaging in misleading or untruthful advertising
14 or using a trade name or insignia of membership in a home
15 inspection organization of which the licensee is not a
16 member.

17 (16) Failing, within 30 days, to provide information
18 in response to a written request made by the Department.

19 (17) Failing to include within the home inspection
20 report the home inspector's license number and the date of
21 expiration of the license. The names of (i) all persons
22 who conducted the home inspection; and (ii) all persons
23 who prepared the subsequent written evaluation or any part
24 thereof must be disclosed in the report. ~~All home~~
25 ~~inspectors providing significant contribution to the~~
26 ~~development and reporting of a home inspection must be~~

1 ~~disclosed in the home inspection report.~~ It is a violation
2 of this Act for a home inspector to sign a home inspection
3 report knowing that the names of all such persons have a
4 ~~person providing a significant contribution to the report~~
5 ~~has~~ not been disclosed in the home inspection report.

6 (18) Advising a client as to whether the client should
7 or should not engage in a transaction regarding the
8 residential real property that is the subject of the home
9 inspection.

10 (19) Performing a home inspection in a manner that
11 damages or alters the residential real property that is
12 the subject of the home inspection without the consent of
13 the owner.

14 (20) Performing a home inspection when the home
15 inspector is providing or may also provide other services
16 in connection with the residential real property or
17 transaction, or has an interest in the residential real
18 property, without providing prior written notice of the
19 potential or actual conflict and obtaining the prior
20 consent of the client as provided by rule.

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

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

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

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

8 (25) Charging for professional services not rendered,
9 including filing false statements for the collection of
10 fees for which services are not rendered.

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

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

15 (28) Engaging in any of the following prohibited
16 fraudulent, false, deceptive, or misleading advertising
17 practices:

18 (i) advertising as a home inspector or operating a
19 home inspection business entity unless there is a duly
20 licensed home inspector responsible for all inspection
21 activities and all inspections;

22 (ii) advertising that contains a misrepresentation
23 of facts or false statements regarding the licensee's
24 professional achievements, degrees, training, skills,
25 or qualifications in the home inspection profession or
26 any other profession requiring licensure;

1 (iii) advertising that makes only a partial
2 disclosure of relevant facts related to pricing or
3 home inspection services; and

4 (iv) advertising that claims this State or any of
5 its political subdivisions endorse the home inspection
6 report or its contents.

7 (29) Disclosing, except as otherwise required by law,
8 inspection results or client information obtained without
9 the client's written consent. A home inspector shall not
10 deliver a home inspection report to any person other than
11 the client of the home inspector without the client's
12 written consent.

13 (30) Providing fees, gifts, waivers of liability, or
14 other forms of compensation or gratuities to persons
15 licensed under any real estate professional licensing act
16 in this State as consideration or inducement for the
17 referral of business.

18 (b) The Department may suspend, revoke, or refuse to issue
19 or renew an education provider's license, may reprimand, place
20 on probation, or otherwise discipline an education provider
21 licensee, and may suspend or revoke the course approval of any
22 course offered by an education provider, for any of the
23 following:

24 (1) Procuring or attempting to procure licensure by
25 knowingly making a false statement, submitting false
26 information, making any form of fraud or

1 misrepresentation, or refusing to provide complete
2 information in response to a question in an application
3 for licensure.

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

6 (3) Committing an act or omission involving
7 dishonesty, fraud, or misrepresentation or allowing any
8 such act or omission by any employee or contractor under
9 the control of the education provider.

10 (4) Engaging in misleading or untruthful advertising.

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

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

16 (7) Failing to administer an approved course using the
17 course materials, syllabus, and examinations submitted as
18 the basis of the course approval.

19 (8) Failing to provide an appropriate classroom
20 environment for presentation of courses, with
21 consideration for student comfort, acoustics, lighting,
22 seating, workspace, and visual aid material.

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

25 (10) Failing to provide a certificate, transcript, or
26 other student record to the Department or to a student as

1 may be required by rule.

2 (11) Failing to fully cooperate with a Department
3 investigation by knowingly making a false statement,
4 submitting false or misleading information, or refusing to
5 provide complete information in response to written
6 interrogatories or a written request for documentation
7 within 30 days of the request.

8 (c) (Blank). ~~In appropriate cases, the Department may~~
9 ~~resolve a complaint against a licensee through the issuance of~~
10 ~~a Consent to Administrative Supervision order. A licensee~~
11 ~~subject to a Consent to Administrative Supervision order shall~~
12 ~~be considered by the Department as an active licensee in good~~
13 ~~standing. This order shall not be reported as or considered by~~
14 ~~the Department to be a discipline of the licensee. The records~~
15 ~~regarding an investigation and a Consent to Administrative~~
16 ~~Supervision order shall be considered confidential and shall~~
17 ~~not be released by the Department except as mandated by law.~~
18 ~~The complainant shall be notified that his or her complaint~~
19 ~~has been resolved by a Consent to Administrative Supervision~~
20 ~~order.~~

21 (d) The Department may refuse to issue or may suspend
22 without hearing, as provided for in the Code of Civil
23 Procedure, the license of any person who fails to file a tax
24 return, to pay the tax, penalty, or interest shown in a filed
25 tax return, or to pay any final assessment of tax, penalty, or
26 interest, as required by any tax Act administered by the

1 Illinois Department of Revenue, until such time as the
2 requirements of the tax Act are satisfied in accordance with
3 subsection (g) of Section 2105-15 of the Civil Administrative
4 Code of Illinois.

5 (e) (Blank).

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

17 (g) The determination by a circuit court that a licensee
18 is subject to involuntary admission or judicial admission, as
19 provided in the Mental Health and Developmental Disabilities
20 Code, operates as an automatic suspension. The suspension will
21 end only upon a finding by a court that the patient is no
22 longer subject to involuntary admission or judicial admission
23 and the issuance of a court order so finding and discharging
24 the patient.

25 (h) (Blank). ~~In enforcing this Act, the Department, upon a~~
26 ~~showing of a possible violation, may compel an individual~~

1 ~~licensed to practice under this Act, or who has applied for~~
2 ~~licensure under this Act, to submit to a mental or physical~~
3 ~~examination, or both, as required by and at the expense of the~~
4 ~~Department. The Department may order the examining physician~~
5 ~~to present testimony concerning the mental or physical~~
6 ~~examination of the licensee or applicant. No information shall~~
7 ~~be excluded by reason of any common law or statutory privilege~~
8 ~~relating to communications between the licensee or applicant~~
9 ~~and the examining physician. The examining physician shall be~~
10 ~~specifically designated by the Department. The individual to~~
11 ~~be examined may have, at his or her own expense, another~~
12 ~~physician of his or her choice present during all aspects of~~
13 ~~this examination. The examination shall be performed by a~~
14 ~~physician licensed to practice medicine in all its branches.~~
15 ~~Failure of an individual to submit to a mental or physical~~
16 ~~examination, when directed, shall result in an automatic~~
17 ~~suspension without hearing.~~

18 ~~A person holding a license under this Act or who has~~
19 ~~applied for a license under this Act, who, because of a~~
20 ~~physical or mental illness or disability, including, but not~~
21 ~~limited to, deterioration through the aging process or loss of~~
22 ~~motor skill, is unable to practice the profession with~~
23 ~~reasonable judgment, skill, or safety, may be required by the~~
24 ~~Department to submit to care, counseling, or treatment by~~
25 ~~physicians approved or designated by the Department as a~~
26 ~~condition, term, or restriction for continued, reinstated, or~~

1 ~~renewed licensure to practice. Submission to care, counseling,~~
2 ~~or treatment as required by the Department shall not be~~
3 ~~considered discipline of a license. If the licensee refuses to~~
4 ~~enter into a care, counseling, or treatment agreement or fails~~
5 ~~to abide by the terms of the agreement, the Department may file~~
6 ~~a complaint to revoke, suspend, or otherwise discipline the~~
7 ~~license of the individual. The Secretary may order the license~~
8 ~~suspended immediately, pending a hearing by the Department.~~
9 ~~Fines shall not be assessed in disciplinary actions involving~~
10 ~~physical or mental illness or impairment.~~

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

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

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

1 (225 ILCS 441/15-10.1 new)

2 Sec. 15-10.1. Citations.

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

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

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

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

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

18 (225 ILCS 441/15-15)

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

20 Sec. 15-15. Investigation; notice; hearing. The Department
21 may investigate the actions of any applicant or licensee or of
22 any person or persons rendering or offering to render home
23 inspection services or any person holding or claiming to hold
24 a license as a home inspector. The Department shall, before
25 refusing to issue or renew a license or to discipline a

1 licensee pursuant to Section 15-10, at least 30 days prior to
2 the date set for the hearing, (i) notify the accused in
3 writing, of the charges made and the time and place for the
4 hearing on the charges, (ii) direct the licensee or applicant
5 ~~him or her~~ to file a written answer with the Department under
6 oath within 20 days after the service of the notice, and (iii)
7 inform the applicant or licensee that failure to file an
8 answer will result in a default judgment being entered against
9 the applicant or licensee. At the time and place fixed in the
10 notice, the Department shall proceed to hear the charges and
11 the parties or their counsel shall be accorded ample
12 opportunity to present any pertinent statements, testimony,
13 evidence, and arguments. The Department may continue the
14 hearing from time to time. In case the person, after receiving
15 the notice, fails to file an answer, the ~~his or her~~ license,
16 may, in the discretion of the Department, be revoked,
17 suspended, placed on probationary status, or the Department
18 may take whatever disciplinary actions considered proper,
19 including limiting the scope, nature, or extent of the
20 person's practice or the imposition of a fine, without a
21 hearing, if the act or acts charged constitute sufficient
22 grounds for that action under the Act. The notice may be served
23 by personal delivery, by mail, or, at the discretion of the
24 Department, by electronic means to the address of record or
25 email address of record specified by the accused as last
26 updated with the Department. ~~The written notice may be served~~

1 ~~by personal delivery or by certified mail to the accused's~~
2 ~~address of record.~~

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

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

22 (225 ILCS 441/15-20)

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

24 Sec. 15-20. Administrative Review Law; certification fees;
25 Illinois Administrative Procedure Act.

1 (a) All final administrative decisions of the Department
2 under this Act are subject to judicial review pursuant to the
3 provisions of the Administrative Review Law and the rules
4 adopted pursuant thereto. The term "administrative decision"
5 has the meaning ascribed to it in Section 3-101 of the
6 Administrative Review Law.

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

16 (c) The Illinois Administrative Procedure Act is hereby
17 expressly adopted and incorporated herein. In the event of a
18 conflict between this Act and the Illinois Administrative
19 Procedure Act, this Act shall control.

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

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

25 (225 ILCS 441/15-36 new)

1 Sec. 15-36. No private right of action. Except as
2 otherwise expressly provided for in this Act, nothing in this
3 Act shall be construed to grant to any person a private right
4 of action to enforce the provisions of this Act or the rules
5 adopted under this Act.

6 (225 ILCS 441/15-55)

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

8 Sec. 15-55. Returned checks and dishonored credit card
9 charges; penalty fee; revocation ~~termination~~. A person who (1)
10 delivers a check or other payment to the Department that is
11 returned to the Department unpaid by the financial institution
12 upon which it was drawn shall pay to the Department; or (2)
13 presents a credit or debit card for payment that is invalid or
14 expired or against which charges by the Department are
15 declined or dishonored, in addition to the amount already
16 owed, a penalty fee of \$50. The Department shall notify the
17 person, ~~by certified mail return receipt requested~~, that the
18 ~~his or her~~ check or payment was returned or that the credit
19 card charge was dishonored and that the person shall pay to the
20 Department by certified check or money order the amount of the
21 returned check plus a \$50 penalty fee within 30 calendar days
22 after the date of the notification. If, after the expiration
23 of 30 calendar days of the notification, the person has failed
24 to remit the necessary funds and penalty, the Department shall
25 automatically revoke ~~terminate~~ the license or deny the

1 application without hearing. If the returned check or other
2 payment was for issuance of a license under this Act and that
3 person practices as a home inspector, that person may be
4 subject to discipline for unlicensed practice as provided in
5 this Act. If, after revocation ~~termination~~ or denial, the
6 person seeks a license, the applicant or licensee ~~he or she~~
7 shall petition the Department for restoration or issuance of
8 the license and ~~he or she~~ may be subject to additional
9 discipline or fines. The Secretary may waive the penalties or
10 fines due under this Section in individual cases where the
11 Secretary finds that the penalties or fines would be
12 unreasonable or unnecessarily burdensome.

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

14 (225 ILCS 441/15-60)

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

16 Sec. 15-60. Violations; injunction; cease and desist
17 orders.

18 (a) If any person violates a provision of this Act, the
19 Secretary may, in the name of the People of the State of
20 Illinois, through the Attorney General of the State of
21 Illinois or the State's Attorney in the county in which the
22 offense occurs, petition for an order enjoining the violation
23 or for an order enforcing compliance with this Act. Upon the
24 filing of a verified petition in court, the court may issue a
25 temporary restraining order, without notice or bond, and may

1 preliminarily and permanently enjoin the violation. If it is
2 established that the person has violated or is violating the
3 injunction, the court may punish the offender for contempt of
4 court. Proceedings under this Section shall be in addition to,
5 and not in lieu of, all other remedies and penalties provided
6 by this Act.

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

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

25 (d) Whenever, in the opinion of the Department, a person
26 violates any provision of this Act, the Department may issue a

1 rule to show cause why an order to cease and desist should not
2 be entered against that person. The rule shall clearly set
3 forth the grounds relied upon by the Department and shall
4 provide a period of 7 days from the date of the rule to file an
5 answer to the satisfaction of the Department. Failure to
6 answer to the satisfaction of the Department shall cause an
7 order to cease and desist to be issued.

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

9 (225 ILCS 441/20-5)

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

11 Sec. 20-5. Education provider.

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

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

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

20 (2) a sufficient number of qualified instructors;

21 (3) adequate support personnel to assist with
22 administrative matters and technical assistance;

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

25 (5) a qualified school administrator, who is

1 responsible for the administration of the school, courses,
2 and the actions of the instructors; and

3 (6) any other requirements provided by rule.

4 (c) All applicants for an education provider's license
5 shall make initial application to the Department in a manner
6 prescribed ~~on forms provided~~ by the Department and pay the
7 appropriate fee as provided by rule. In addition to any other
8 information required to be contained in the application as
9 prescribed by rule, every application for an original or
10 renewed license shall include the applicant's tax
11 identification number. The term, expiration date, and renewal
12 of an education provider's license shall be established by
13 rule.

14 (d) An education provider shall provide each successful
15 course participant with a certificate of completion signed by
16 the school administrator. The format and content of the
17 certificate shall be specified by rule.

18 (e) All education providers shall provide to the
19 Department a monthly roster of all successful course
20 participants as provided by rule.

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

22 (225 ILCS 441/25-15)

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

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

1 (1) (blank);

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

5 (3) prepare and circulate to licensees such
6 educational and informational material as the Department
7 deems necessary for providing guidance or assistance to
8 licensees.

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

10 (225 ILCS 441/25-27)

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

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

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

21 (b) Any circuit court, upon the application of the
22 licensee or the Department, may order the attendance and
23 testimony of witnesses and the production of relevant
24 documents, files, records, books, and papers in connection
25 with any hearing or investigation. The circuit court may

1 compel obedience to its order by proceedings for contempt.

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

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

9 (225 ILCS 441/25-17 rep.)

10 Section 15. The Home Inspector License Act is amended by
11 repealing Section 25-17.

12 Section 99. Effective date. This Act takes effect January
13 1, 2022, except that this Section and Section 5 take effect
14 upon becoming law.