



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB2207

Introduced 2/8/2023, by Rep. Martin J. Moylan

SYNOPSIS AS INTRODUCED:

See Index

Amends the Auction License Act, the Community Association Manager Licensing and Disciplinary Act, Home Inspector License Act, Real Estate License Act of 2000, Real Estate Appraiser Licensing Act of 2002, and the Appraisal Management Company Registration Act. Makes changes in provisions including: definitions; expiration, renewal, and continuing education; restoration; fees and disposition of funds; disciplinary actions and grounds; investigations, notice, and hearing; findings and recommendations; restoration of license; scope and standards of practice; and the various relevant boards. Provides for cease and desist orders, statute of limitations, licensing of auction schools, and course approval in the Auction License Act. Makes other changes.

LRB103 27667 AMQ 54044 b

1 AN ACT concerning regulation.

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

4 Section 5. The Auction License Act is amended by changing
5 Sections 10-30, 10-40, 10-50, 20-15, 20-43, 20-50, 20-65, and
6 30-30 and by adding Sections 20-110, 20-115, 25-110, and
7 25-115 as follows:

8 (225 ILCS 407/10-30)

9 (Section scheduled to be repealed on January 1, 2030)

10 Sec. 10-30. Expiration, renewal, and continuing education.

11 (a) License expiration dates, renewal periods, renewal
12 fees, and procedures for renewal of licenses issued under this
13 Act shall be set by rule of the Department. An entity may renew
14 its license by paying the required fee and by meeting the
15 renewal requirements adopted by the Department under this
16 Section.

17 (b) All renewal applicants must provide proof as
18 determined by the Department of having met the continuing
19 education requirements by the deadline set forth by the
20 Department by rule. At a minimum, the rules shall require an
21 applicant for renewal licensure as an auctioneer to provide
22 proof of the completion of at least 12 hours of continuing
23 education during the pre-renewal period established by the

1 Department for completion of continuing education from schools
2 approved by the Department, as established by rule.

3 (c) The Department, in its discretion, may waive
4 enforcement of the continuing education requirements of this
5 Section and shall adopt rules defining the standards and
6 criteria for such waiver.

7 (d) (Blank).

8 (e) The Department shall not issue or renew a license if
9 the applicant or licensee has an unpaid fine or fee from a
10 disciplinary matter or from a non-disciplinary action imposed
11 by the Department until the fine or fee is paid to the
12 Department or the applicant or licensee has entered into a
13 payment plan and is current on the required payments.

14 (f) The Department shall not issue or renew a license if
15 the applicant or licensee has an unpaid fine or civil penalty
16 imposed by the Department for unlicensed practice until the
17 fine or civil penalty is paid to the Department or the
18 applicant or licensee has entered into a payment plan and is
19 current on the required payments.

20 (Source: P.A. 102-970, eff. 5-27-22.)

21 (225 ILCS 407/10-40)

22 (Section scheduled to be repealed on January 1, 2030)

23 Sec. 10-40. Restoration.

24 (a) A licensee whose license has lapsed or expired shall
25 have 2 years from the expiration date to restore licensure ~~his~~

1 ~~or her license~~ without examination. The expired licensee shall
2 make application to the Department on forms provided by the
3 Department, provide evidence of successful completion of 12
4 hours of approved continuing education during the period of
5 time the license had lapsed, and pay all fees and penalties as
6 established by rule.

7 (b) Notwithstanding any other provisions of this Act to
8 the contrary, any licensee whose license under this Act has
9 expired is eligible to restore such license without paying any
10 lapsed fees and penalties if the license expired while the
11 licensee was:

12 (1) on active duty with the United States Army, United
13 States Marine Corps, United States Navy, United States Air
14 Force, United States Coast Guard, the State Militia called
15 into service or training;

16 (2) engaged in training or education under the
17 supervision of the United States prior to induction into
18 military service; or

19 (3) serving as an employee of the Department, while
20 the employee was required to surrender the ~~his or her~~
21 license ~~due to a possible conflict of interest.~~

22 A licensee shall also be eligible to restore a license
23 under paragraphs (1), (2), and (3) without completing the
24 continuing education requirements for that licensure period.
25 For ~~this subsection for~~ a period of 2 years following the
26 termination of the service or education if the termination was

1 by other than dishonorable discharge and the licensee
2 furnishes the Department with an affidavit specifying that the
3 licensee has been so engaged.

4 (c) At any time after the suspension, revocation,
5 placement on probationary status, or other disciplinary action
6 taken under this Act with reference to any license, the
7 Department may restore the license to the licensee without
8 examination upon the order of the Secretary, if the licensee
9 submits a properly completed application, pays the appropriate
10 fees, and otherwise complies with the conditions of the order.
11 (Source: P.A. 101-345, eff. 8-9-19.)

12 (225 ILCS 407/10-50)

13 (Section scheduled to be repealed on January 1, 2030)

14 Sec. 10-50. Fees; disposition of funds.

15 (a) The Department shall establish by rule a schedule of
16 fees for the administration and maintenance of this Act. Such
17 fees shall be nonrefundable.

18 (b) Prior to July 1, 2023, all fees collected under this
19 Act shall be deposited into the General Professions Dedicated
20 Fund and appropriated to the Department for the ordinary and
21 contingent expenses of the Department in the administration of
22 this Act. Beginning on July 1, 2023, all fees, fines,
23 penalties, or other monies received or collected pursuant to
24 this Act shall be deposited in the Division of Real Estate
25 General Fund. On or after July 1, 2023, the balance of funds

1 collected pursuant to this Act that is in the General
2 Professions Dedicated Fund shall be transferred into the
3 Division of Real Estate General Fund.

4 (Source: P.A. 102-970, eff. 5-27-22.)

5 (225 ILCS 407/20-15)

6 (Section scheduled to be repealed on January 1, 2030)

7 Sec. 20-15. Disciplinary actions; grounds. The Department
8 may refuse to issue or renew a license, may place on probation
9 or administrative supervision, suspend, or revoke any license
10 or may reprimand or take other disciplinary or
11 non-disciplinary action as the Department may deem proper,
12 including the imposition of fines not to exceed \$10,000 for
13 each violation upon any licensee or applicant ~~anyone licensed~~
14 under this Act or any person or entity who holds oneself out as
15 an applicant or licensee for any of the following reasons:

16 (1) False or fraudulent representation or material
17 misstatement in furnishing information to the Department
18 in obtaining or seeking to obtain a license.

19 (2) Violation of any provision of this Act or the
20 rules adopted under this Act.

21 (3) Conviction of or entry of a plea of guilty or nolo
22 contendere, as set forth in subsection (c) of Section
23 10-5, to any crime that is a felony or misdemeanor under
24 the laws of the United States or any state or territory
25 thereof, or entry of an administrative sanction by a

1 government agency in this State or any other jurisdiction.

2 (3.5) Failing to notify the Department, within 30 days
3 after the occurrence, of the information required in
4 subsection (c) of Section 10-5.

5 (4) Being adjudged to be a person under legal
6 disability or subject to involuntary admission or to meet
7 the standard for judicial admission as provided in the
8 Mental Health and Developmental Disabilities Code.

9 (5) Discipline of a licensee by another state, the
10 District of Columbia, a territory of the United States, a
11 foreign nation, a governmental agency, or any other entity
12 authorized to impose discipline if at least one of the
13 grounds for that discipline is the same as or the
14 equivalent to one of the grounds for discipline set forth
15 in this Act or for failing to report to the Department,
16 within 30 days, any adverse final action taken against the
17 licensee by any other licensing jurisdiction, government
18 agency, law enforcement agency, or court, or liability for
19 conduct that would constitute grounds for action as set
20 forth in this Act.

21 (6) Engaging in the practice of auctioneering,
22 conducting an auction, or providing an auction service
23 without a license or after the license was expired,
24 revoked, suspended, or terminated or while the license was
25 inoperative.

26 (7) Attempting to subvert or cheat on the auctioneer

1 exam or any continuing education exam, or aiding or
2 abetting another to do the same.

3 (8) Directly or indirectly giving to or receiving from
4 a person, firm, corporation, partnership, or association a
5 fee, commission, rebate, or other form of compensation for
6 professional service not actually or personally rendered,
7 except that an auctioneer licensed under this Act may
8 receive a fee from another licensed auctioneer from this
9 State or jurisdiction for the referring of a client or
10 prospect for auction services to the licensed auctioneer.

11 (9) Making any substantial misrepresentation or
12 untruthful advertising.

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

15 (11) Pursuing a continued and flagrant course of
16 misrepresentation or the making of false promises through
17 a licensee, agent, employee, advertising, or otherwise.

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

22 (13) Commingling funds of others with the licensee's
23 own funds or failing to keep the funds of others in an
24 escrow or trustee account.

25 (14) Failure to account for, remit, or return any
26 moneys, property, or documents coming into the licensee's

1 possession that belong to others, acquired through the
2 practice of auctioneering, conducting an auction, or
3 providing an auction service within 30 days of the written
4 request from the owner of said moneys, property, or
5 documents.

6 (15) Failure to maintain and deposit into a special
7 account, separate and apart from any personal or other
8 business accounts, all moneys belonging to others
9 entrusted to a licensee while acting as an auctioneer,
10 auction firm, or as a temporary custodian of the funds of
11 others.

12 (16) Failure to make available to Department personnel
13 during normal business hours all escrow and trustee
14 records and related documents maintained in connection
15 with the practice of auctioneering, conducting an auction,
16 or providing an auction service within 24 hours after a
17 request from Department personnel.

18 (17) Making or filing false records or reports in the
19 licensee's practice, including, but not limited to, false
20 records or reports filed with State agencies.

21 (18) Failing to voluntarily furnish copies of all
22 written instruments prepared by the auctioneer and signed
23 by all parties to all parties at the time of execution.

24 (19) Failing to provide information within 30 days in
25 response to a written request made by the Department.

26 (20) Engaging in any act that constitutes a violation

1 ~~of Section 2-102, 3-103, or 3-105~~ of the Illinois Human
2 Rights Act.

3 (21) (Blank).

4 (22) Engaging in dishonorable, unethical, or
5 unprofessional conduct of a character likely to deceive,
6 defraud, or harm the public.

7 (23) Offering or advertising real estate for sale or
8 lease at auction without a valid broker or managing
9 broker's license under the Real Estate License Act of
10 1983, or any successor Act, unless exempt from licensure
11 under the terms of the Real Estate License Act of 2000, or
12 any successor Act, except as provided in Section 5-32 of
13 the Real Estate License Act of 2000.

14 (24) Inability to practice the profession with
15 reasonable judgment, skill, or safety as a result of a
16 physical illness, mental illness, or disability.

17 (25) A pattern of practice or other behavior that
18 demonstrates incapacity or incompetence to practice under
19 this Act.

20 (26) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 under the Abused and Neglected Child Reporting Act and
23 upon proof by clear and convincing evidence that the
24 licensee has caused a child to be an abused child or a
25 neglected child as defined in the Abused and Neglected
26 Child Reporting Act.

1 (27) Inability to practice with reasonable judgment,
2 skill, or safety as a result of habitual or excessive use
3 or addiction to alcohol, narcotics, stimulants, or any
4 other chemical agent or drug.

5 (28) Willfully failing to report an instance of
6 suspected child abuse or neglect as required by the Abused
7 and Neglected Child Reporting Act.

8 (29) Violating the terms of any order issued by the
9 Department.

10 (Source: P.A. 101-345, eff. 8-9-19; 102-970, eff. 5-27-22.)

11 (225 ILCS 407/20-43)

12 (Section scheduled to be repealed on January 1, 2030)

13 Sec. 20-43. Investigations; notice and hearing. The
14 Department may investigate the actions or qualifications of
15 any person who is an applicant, unlicensed person, or person
16 rendering or offering to render auction services, or holding
17 or claiming to hold a license as a licensed auctioneer. At
18 least 30 days before any disciplinary hearing under this Act,
19 the Department shall: (i) notify the person charged ~~accused~~ in
20 writing of the charges made and the time and place of the
21 hearing; (ii) direct the person ~~accused~~ to file with the Board
22 a written answer under oath to the charges within 20 days of
23 receiving service of the notice; and (iii) inform the person
24 ~~accused~~ that if the person ~~he or she~~ fails to file an answer to
25 the charges within 20 days of receiving service of the notice,

1 ~~a~~ default ~~judgment~~ may be entered and the ~~against him or her,~~
2 ~~or his or her~~ license may be suspended, revoked, placed on
3 probationary status, or other disciplinary action taken with
4 regard to the license as the Department may consider proper,
5 including, but not limited to, limiting the scope, nature, or
6 extent of the licensee's practice, or imposing a fine.

7 At the time and place of the hearing fixed in the notice,
8 the Board shall proceed to hear the charges, and the person
9 ~~accused~~ or person's ~~his or her~~ counsel shall be accorded ample
10 opportunity to present any pertinent statements, testimony,
11 evidence, and arguments in the person's ~~his or her~~ defense.
12 The Board may continue the hearing when it deems it
13 appropriate.

14 Notice of the hearing may be served by ~~personal delivery,~~
15 ~~by certified~~ mail, or, at the discretion of the Department, by
16 an electronic means to the person's ~~licensee's~~ last known
17 address or email address of record.

18 (Source: P.A. 101-345, eff. 8-9-19.)

19 (225 ILCS 407/20-50)

20 (Section scheduled to be repealed on January 1, 2030)

21 Sec. 20-50. Findings and recommendations. At the
22 conclusion of the hearing, the Board shall present to the
23 Secretary a written report of its findings of fact,
24 conclusions of law, and recommendations. The report shall
25 contain a finding whether or not the ~~accused~~ person charged

1 violated this Act or any rules promulgated pursuant to this
2 Act. The Board shall specify the nature of any violations and
3 shall make its recommendations to the Secretary. In making
4 recommendations for any disciplinary action, the Board may
5 take into consideration all facts and circumstances bearing
6 upon the reasonableness of the conduct of the person accused,
7 including, but not limited to, previous discipline of the
8 person accused by the Department, intent, degree of harm to
9 the public and likelihood of future harm to the public, any
10 restitution made by the person accused, and whether the
11 incident or incidents contained in the complaint appear to be
12 isolated or represent a continuing pattern of conduct. In
13 making its recommendations for discipline, the Board shall
14 endeavor to ensure that the severity of the discipline
15 recommended is reasonably proportional to the severity of the
16 violation.

17 The report of the Board's findings of fact, conclusions of
18 law, and recommendations shall be the basis for the
19 Department's decision to refuse to issue, restore, or renew a
20 license, or to take any other disciplinary action. If the
21 Secretary disagrees with the recommendations of the Board, the
22 Secretary may issue an order in contravention of the Board
23 recommendations. The report's findings are not admissible in
24 evidence against the person in a criminal prosecution brought
25 for a violation of this Act, but the hearing and findings are
26 not a bar to a criminal prosecution for the violation of this

1 Act.

2 If the Secretary disagrees in any regard with the report
3 of the Advisory Board, the Secretary may issue an order in
4 contravention of the report. The Secretary shall provide a
5 written report to the Advisory Board on any deviation and
6 shall specify with particularity the reasons for that action
7 in the final order.

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

9 (225 ILCS 407/20-65)

10 (Section scheduled to be repealed on January 1, 2030)

11 Sec. 20-65. Restoration of license. At any time after the
12 suspension, ~~or~~ revocation, or probation of any license, the
13 Department may restore the license to the ~~accused~~ person upon
14 the written recommendation of the Advisory Board, unless after
15 an investigation and a hearing the Advisory Board determines
16 that restoration is not in the public interest.

17 (Source: P.A. 95-572, eff. 6-1-08.)

18 (225 ILCS 407/20-110 new)

19 Sec. 20-110. Cease and desist orders. The Department may
20 issue a cease and desist order to a person who engages in
21 activities prohibited by this Act. Any person in violation of
22 a cease and desist order issued by the Department is subject to
23 all of the penalties provided by law.

1 (225 ILCS 407/20-115 new)

2 Sec. 20-115. Statute of limitations. No action may be
3 taken under this Act against a person or entity licensed under
4 this Act unless the action is commenced within 5 years after
5 the occurrence of the alleged violation. A continuing
6 violation is deemed to have occurred on the date when the
7 circumstances last existed that gave rise to the alleged
8 continuing violation.

9 (225 ILCS 407/25-110 new)

10 Sec. 25-110. Licensing of auction schools.

11 (a) Only auctions schools licensed by the Department may
12 provide the continuing education courses required for
13 licensure under this Act.

14 (b) Auctions schools may also provide the course required
15 to obtain the real estate auction certification in Section
16 5-32 of the Real Estate License Act of 2000.

17 (c) A person or entity seeking to be licensed as an auction
18 school under this Act shall provide satisfactory evidence of
19 the following:

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

22 (2) a sufficient number of qualified instructors;

23 (3) adequate support personnel to assist with
24 administrative matters and technical assistance;

25 (4) a qualified school administrator, who is

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

3 (5) proof of good standing with the Secretary of State
4 and authority to conduct business in this State; and

5 (6) any other requirements provided by rule.

6 (d) All applicants for an auction school license shall
7 make initial application to the Department in a manner
8 prescribed by the Department and pay the appropriate fee as
9 provided by rule. In addition to any other information
10 required to be contained in the application as prescribed by
11 rule, every application for an original or renewed license
12 shall include the applicant's Taxpayer Identification Number.
13 The term, expiration date, and renewal of an auction school
14 license shall be established by rule.

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

19 (f) All auction schools shall provide to the Department a
20 roster of all successful course participants as provided by
21 rule.

22 (225 ILCS 407/25-115 new)

23 Sec. 25-115. Course approval.

24 (a) Only courses that are approved by the Department and
25 offered by licensed auction schools shall be used to meet the

1 requirements of this Act and rules.

2 (b) An auction school licensed under this Act may submit
3 courses to the Department for approval. The criteria,
4 requirements, and fees for courses shall be established by
5 rule.

6 (c) For each course approved, the Department shall issue
7 certification of course approval to the auction school. The
8 term, expiration date, and renewal of a course approval shall
9 be established by rule.

10 (225 ILCS 407/30-30)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 30-30. Auction Advisory Board.

13 (a) There is hereby created the Auction Advisory Board.
14 The Advisory Board shall consist of 7 members and shall be
15 appointed by the Secretary. In making the appointments, the
16 Secretary shall give due consideration to the recommendations
17 by members and organizations of the industry, including, but
18 not limited to, the Illinois State Auctioneers Association.
19 Five members of the Advisory Board shall be licensed
20 auctioneers. One member shall be a public member who
21 represents the interests of consumers and who is not licensed
22 under this Act or the spouse of a person licensed under this
23 Act or who has any responsibility for management or formation
24 of policy of or any financial interest in the auctioneering
25 profession. One member shall be actively engaged in the real

1 estate industry and licensed as a broker or managing broker.
2 The Advisory Board shall annually elect, at its first meeting
3 of the fiscal year, one of its members to serve as Chairperson.

4 (b) The members' terms shall be for 4 years and until a
5 successor is appointed. No member shall be reappointed to the
6 Board for a term that would cause the member's cumulative
7 service to the Board to exceed 12 ~~10~~ years. Appointments to
8 fill vacancies shall be made by the Secretary for the
9 unexpired portion of the term. To the extent practicable, the
10 Secretary shall appoint members to ensure that the various
11 geographic regions of the State are properly represented on
12 the Advisory Board. The Secretary shall remove from the Board
13 any member whose license has been revoked or suspended and may
14 remove any member of the Board for neglect of duty,
15 misconduct, incompetence, or for missing 2 board meetings
16 during any one fiscal year.

17 (c) Four Board members shall constitute a quorum. A quorum
18 is required for all Board decisions. A vacancy in the
19 membership of the Board shall not impair the right of a quorum
20 to exercise all of the rights and perform all of the duties of
21 the Board.

22 (d) Each member of the Advisory Board may receive a per
23 diem stipend in an amount to be determined by the Secretary.
24 While engaged in the performance of duties, each member shall
25 be reimbursed for necessary expenses.

26 (e) Members of the Advisory Board shall be immune from

1 suit in an action based upon any disciplinary proceedings or
2 other acts performed in good faith as members of the Advisory
3 Board.

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

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

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

13 (Source: P.A. 102-970, eff. 5-27-22.)

14 Section 10. The Community Association Manager Licensing
15 and Disciplinary Act is amended by changing Sections 25, 32,
16 60, 85, 95, and 130 as follows:

17 (225 ILCS 427/25)

18 (Section scheduled to be repealed on January 1, 2027)

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

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

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

9 (b) The term of each member shall be for 4 years and until
10 that member's successor is appointed. No member shall be
11 reappointed to the Board for a term that would cause the
12 member's cumulative service to the Board to exceed 12 ~~10~~
13 years. Appointments to fill vacancies shall be made by the
14 Secretary for the unexpired portion of the term. The Secretary
15 shall remove from the Board any member whose license has
16 become void or has been revoked or suspended and may remove any
17 member of the Board for neglect of duty, misconduct, ~~or~~
18 incompetence, or for missing 2 board meetings during any one
19 fiscal year. A member who is subject to formal disciplinary
20 proceedings shall be disqualified from all Board business
21 until the charge is resolved. A member also shall be
22 disqualified from any matter on which the member cannot act
23 objectively.

24 (c) Four Board members shall constitute a quorum. A quorum
25 is required for all Board decisions. A vacancy in the
26 membership of the Board shall not impair the right of a quorum

1 to exercise all of the rights and perform all of the duties of
2 the Board.

3 (d) The Board shall elect annually, at its first meeting
4 of the fiscal year, a chairperson and vice chairperson.

5 (e) Each member shall be reimbursed for necessary expenses
6 incurred in carrying out the duties as a Board member. The
7 Board may receive a per diem stipend in an amount to be
8 determined by the Secretary.

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

12 (g) Members of the Board shall be immune from suit in an
13 action based upon any disciplinary proceedings or other acts
14 performed in good faith as members of the Board.

15 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

16 (225 ILCS 427/32)

17 (Section scheduled to be repealed on January 1, 2027)

18 Sec. 32. Social Security Number or Individual Taxpayer
19 ~~Federal Tax~~ Identification Number on license application. In
20 addition to any other information required to be contained in
21 the application, every application for an original license
22 under this Act shall include the applicant's Social Security
23 Number or Individual Taxpayer ~~Federal Tax~~ Identification
24 Number, which shall be retained in the Department's records
25 pertaining to the license. As soon as practical, the

1 Department shall assign a customer's identification number to
2 each applicant for a license.

3 Every application for a renewal or restored license shall
4 require the applicant's customer identification number.

5 (Source: P.A. 97-400, eff. 1-1-12; 98-365, eff. 1-1-14.)

6 (225 ILCS 427/60)

7 (Section scheduled to be repealed on January 1, 2027)

8 Sec. 60. Licenses; renewals; restoration; person in
9 military service.

10 (a) The expiration date, fees, and renewal period for each
11 license issued under this Act shall be set by rule. The
12 Department may promulgate rules requiring continuing education
13 and set all necessary requirements for such, including, but
14 not limited to, fees, approved coursework, number of hours,
15 and waivers of continuing education.

16 (b) Any licensee who has an expired license may have the
17 license restored by applying to the Department and filing
18 proof acceptable to the Department of fitness to have the
19 expired license restored, which may include sworn evidence
20 certifying to active practice in another jurisdiction
21 satisfactory to the Department, complying with any continuing
22 education requirements, and paying the required restoration
23 fee.

24 (c) Any person whose license expired while (i) in federal
25 service on active duty with the Armed Forces of the United

1 States or called into service or training with the State
2 Militia, ~~or~~ (ii) in training or education under the
3 supervision of the United States preliminary to induction into
4 the military service, or (iii) serving as an employee of the
5 Department may have the license renewed or restored without
6 paying any lapsed renewal fees and without completing the
7 continuing education requirements for that licensure period
8 if, within 2 years after honorable termination of the service,
9 training, or education, except under condition other than
10 honorable, the licensee furnishes the Department with
11 satisfactory evidence of engagement and that the service,
12 training, or education has been so honorably terminated.

13 (d) A community association manager or community
14 association management firm that notifies the Department, in a
15 manner prescribed by the Department, may place the license on
16 inactive status for a period not to exceed 2 years and shall be
17 excused from the payment of renewal fees until the person
18 notifies the Department in writing of the intention to resume
19 active practice.

20 (e) A community association manager or community
21 association management firm requesting that the license be
22 changed from inactive to active status shall be required to
23 pay the current renewal fee and shall also demonstrate
24 compliance with the continuing education requirements.

25 (f) No licensee with a nonrenewed or inactive license
26 status or community association management firm operating

1 without a designated community association manager shall
2 provide community association management services as set forth
3 in this Act.

4 (g) Any person violating subsection (f) of this Section
5 shall be considered to be practicing without a license and
6 will be subject to the disciplinary provisions of this Act.

7 (h) The Department shall not issue or renew a license if
8 the applicant or licensee has an unpaid fine or fee from a
9 disciplinary matter or from a non-disciplinary action imposed
10 by the Department until the fine or fee is paid to the
11 Department or the applicant or licensee has entered into a
12 payment plan and is current on the required payments.

13 (i) The Department shall not issue or renew a license if
14 the applicant or licensee has an unpaid fine or civil penalty
15 imposed by the Department for unlicensed practice until the
16 fine or civil penalty is paid to the Department or the
17 applicant or licensee has entered into a payment plan and is
18 current on the required payments.

19 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

20 (225 ILCS 427/85)

21 (Section scheduled to be repealed on January 1, 2027)

22 Sec. 85. Grounds for discipline; refusal, revocation, or
23 suspension.

24 (a) The Department may refuse to issue or renew a license,
25 or may place on probation, reprimand, suspend, or revoke any

1 license, or take any other disciplinary or non-disciplinary
2 action as the Department may deem proper and impose a fine not
3 to exceed \$10,000 for each violation upon any licensee or
4 applicant under this Act or any person or entity who holds
5 oneself out as an applicant or licensee for any one or
6 combination of the following causes:

7 (1) Material misstatement in furnishing information to
8 the Department.

9 (2) Violations of this Act or its rules.

10 (3) Conviction of or entry of a plea of guilty or plea
11 of nolo contendere, as set forth in subsection (f) of
12 Section 40, to (i) a felony or a misdemeanor under the laws
13 of the United States, any state, or any other jurisdiction
14 or entry of an administrative sanction by a government
15 agency in this State or any other jurisdiction or (ii) a
16 crime that subjects the licensee to compliance with the
17 requirements of the Sex Offender Registration Act; or the
18 entry of an administrative sanction by a government agency
19 in this State or any other jurisdiction.

20 (4) Making any misrepresentation for the purpose of
21 obtaining a license or violating any provision of this Act
22 or its rules.

23 (5) Professional incompetence.

24 (6) Gross negligence.

25 (7) Aiding or assisting another person in violating
26 any provision of this Act or its rules.

1 (8) Failing, within 30 days, to provide information in
2 response to a request made by the Department.

3 (9) Engaging in dishonorable, unethical, or
4 unprofessional conduct of a character likely to deceive,
5 defraud, or harm the public as defined by the rules of the
6 Department, or violating the rules of professional conduct
7 adopted by the Department.

8 (10) Habitual or excessive use or addiction to
9 alcohol, narcotics, stimulants, or any other chemical
10 agent or drug that results in the inability to practice
11 with reasonable judgment, skill, or safety.

12 (11) Having been disciplined by another state, the
13 District of Columbia, a territory, a foreign nation, or a
14 governmental agency authorized to impose discipline if at
15 least one of the grounds for the discipline is the same or
16 substantially equivalent of one of the grounds for which a
17 licensee may be disciplined under this Act. A certified
18 copy of the record of the action by the other state or
19 jurisdiction shall be prima facie evidence thereof.

20 (12) Directly or indirectly giving to or receiving
21 from any person, firm, corporation, partnership, or
22 association any fee, commission, rebate, or other form of
23 compensation for any services not actually or personally
24 rendered.

25 (13) A finding by the Department that the licensee,
26 after having the license placed on probationary status,

1 has violated the terms of probation.

2 (14) Willfully making or filing false records or
3 reports relating to a licensee's practice, including, but
4 not limited to, false records filed with any State or
5 federal agencies or departments.

6 (15) Being named as a perpetrator in an indicated
7 report by the Department of Children and Family Services
8 under the Abused and Neglected Child Reporting Act and
9 upon proof by clear and convincing evidence that the
10 licensee has caused a child to be an abused child or
11 neglected child as defined in the Abused and Neglected
12 Child Reporting Act.

13 (16) Physical illness or mental illness or impairment
14 that results in the inability to practice the profession
15 with reasonable judgment, skill, or safety.

16 (17) Solicitation of professional services by using
17 false or misleading advertising.

18 (18) A finding that licensure has been applied for or
19 obtained by fraudulent means.

20 (19) Practicing or attempting to practice under a name
21 other than the full name as shown on the license or any
22 other legally authorized name unless approved by the
23 Department.

24 (20) Gross overcharging for professional services
25 including, but not limited to, (i) collection of fees or
26 moneys for services that are not rendered; and (ii)

1 charging for services that are not in accordance with the
2 contract between the licensee and the community
3 association.

4 (21) Improper commingling of personal and client funds
5 in violation of this Act or any rules promulgated thereto.

6 (22) Failing to account for or remit any moneys or
7 documents coming into the licensee's possession that
8 belong to another person or entity.

9 (23) Giving differential treatment to a person that is
10 to that person's detriment on the basis of race, color,
11 sex, ancestry, age, order of protection status, marital
12 status, physical or mental disability, military status,
13 unfavorable discharge from military status, sexual
14 orientation, pregnancy, religion, or national origin.

15 (24) Performing and charging for services without
16 reasonable authorization to do so from the person or
17 entity for whom service is being provided.

18 (25) Failing to make available to the Department, upon
19 request, any books, records, or forms required by this
20 Act.

21 (26) Purporting to be a designated community
22 association manager of a firm without active participation
23 in the firm and having been designated as such.

24 (27) Failing to make available to the Department at
25 the time of the request any indicia of licensure issued
26 under this Act.

1 (28) Failing to maintain and deposit funds belonging
2 to a community association in accordance with subsection
3 (b) of Section 55 of this Act.

4 (29) Violating the terms of any ~~a disciplinary~~ order
5 issued by the Department.

6 (30) Operating a community association management firm
7 without a designated community association manager who
8 holds an active community association manager license.

9 (31) For a designated community association manager,
10 failing to meet the requirements for acting as a
11 designated community association manager.

12 (32) Failing to disclose to a community association
13 any compensation received by a licensee from a third party
14 in connection with or related to a transaction entered
15 into by the licensee on behalf of the community
16 association.

17 (33) Failing to disclose to a community association,
18 at the time of making the referral, that a licensee (A) has
19 greater than a 1% ownership interest in a third party to
20 which it refers the community association; or (B) receives
21 or may receive dividends or other profit sharing
22 distributions from a third party, other than a publicly
23 held or traded company, to which it refers the community
24 association.

25 (b) (Blank).

26 (c) The determination by a circuit court that a licensee

1 is subject to involuntary admission or judicial admission, as
2 provided in the Mental Health and Developmental Disabilities
3 Code, operates as an automatic suspension. The suspension will
4 terminate only upon a finding by a court that the patient is no
5 longer subject to involuntary admission or judicial admission
6 and the issuance of an order so finding and discharging the
7 patient, and upon the recommendation of the Board to the
8 Secretary that the licensee be allowed to resume practice as a
9 licensed community association manager.

10 (d) In accordance with subsection (g) of Section 2105-15
11 of the Department of Professional Regulation Law of the Civil
12 Administrative Code of Illinois (20 ILCS 2105/2105-15), the
13 Department may refuse to issue or renew or may suspend the
14 license of any person who fails to file a return, to pay the
15 tax, penalty, or interest shown in a filed return, or to pay
16 any final assessment of tax, penalty, or interest, as required
17 by any tax Act administered by the Department of Revenue,
18 until such time as the requirements of that tax Act are
19 satisfied.

20 (e) In accordance with subdivision (a)(5) of Section
21 2105-15 of the Department of Professional Regulation Law of
22 the Civil Administrative Code of Illinois (20 ILCS
23 2105/2105-15) and in cases where the Department of Healthcare
24 and Family Services (formerly Department of Public Aid) has
25 previously determined that a licensee or a potential licensee
26 is more than 30 days delinquent in the payment of child support

1 and has subsequently certified the delinquency to the
2 Department, the Department may refuse to issue or renew or may
3 revoke or suspend that person's license or may take other
4 disciplinary action against that person based solely upon the
5 certification of delinquency made by the Department of
6 Healthcare and Family Services.

7 (f) (Blank).

8 (Source: P.A. 102-20, eff. 1-1-22.)

9 (225 ILCS 427/95)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 95. Investigation; notice and hearing. The
12 Department may investigate the actions or qualifications of a
13 person, entity, or other business applying for, holding or
14 claiming to hold, or holding oneself out as having a license or
15 rendering or offering to render services for which a license
16 is required by this Act ~~and may notify their designated~~
17 ~~community association manager, if any, of the pending~~
18 ~~investigation.~~ Before suspending, revoking, placing on
19 probationary status, or taking any other disciplinary action
20 as the Department may deem proper with regard to any license,
21 at least 30 days before the date set for the hearing, the
22 Department shall (i) notify the person charged ~~accused~~ and the
23 person's ~~their~~ designated community association manager, if
24 any, in writing of any charges made and the time and place for
25 a hearing on the charges before the Board, (ii) direct the

1 person accused to file a written answer to the charges with the
2 Board under oath within 20 days after the service on the person
3 ~~accused~~ of such notice, and (iii) inform the person accused
4 that if the person accused fails to file an answer, default
5 will be taken against the person accused and the license of the
6 person accused may be suspended, revoked, placed on
7 probationary status, or other disciplinary action taken with
8 regard to the license, including limiting the scope, nature,
9 or extent of related practice, as the Department may deem
10 proper. The Department shall serve notice under this Section
11 by regular or electronic mail to the person's ~~applicant's or~~
12 ~~licensee's~~ last address of record or email address of record
13 as provided to the Department. If the person accused fails to
14 file an answer after receiving notice, the license may, in the
15 discretion of the Department, be suspended, revoked, or placed
16 on probationary status, or the Department may take whatever
17 disciplinary action deemed proper, including limiting the
18 scope, nature, or extent of the person's practice or the
19 imposition of a fine, without a hearing, if the act or acts
20 charged constitute sufficient grounds for such action under
21 this Act. The answer shall be served by ~~personal delivery or~~
22 regular mail or electronic mail to the Department. At the time
23 and place fixed in the notice, the Department shall proceed to
24 hear the charges and the parties or their counsel shall be
25 accorded ample opportunity to present such statements,
26 testimony, evidence, and argument as may be pertinent to the

1 charges or to the defense thereto. The Department may continue
2 such hearing from time to time. At the discretion of the
3 Secretary after having first received the recommendation of
4 the Board, the ~~accused~~ person's license may be suspended,
5 revoked, or placed on probationary status or the Department
6 may take whatever disciplinary action considered proper,
7 including limiting the scope, nature, or extent of the
8 person's practice or the imposition of a fine if the act or
9 acts charged constitute sufficient grounds for that action
10 under this Act. A copy of the Department's final disciplinary
11 order shall be delivered to the person's ~~accused's~~ designated
12 community association manager or may be sent to the community
13 association that, if the accused is directly employs the
14 person employed by a community association, to the board of
15 managers of that association if known to the Department.

16 (Source: P.A. 102-20, eff. 1-1-22.)

17 (225 ILCS 427/130)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 130. Restoration of ~~suspended or revoked~~ license. At
20 any time after the successful completion of a term of
21 suspension, ~~or~~ revocation, or probation of a license, the
22 Department may restore it to the licensee, upon the written
23 recommendation of the Board, unless after an investigation and
24 a hearing the Board determines that restoration is not in the
25 public interest.

1 (Source: P.A. 96-726, eff. 7-1-10.)

2 Section 15. The Home Inspector License Act is amended by
3 changing Sections 5-10, 5-14, 5-16, 5-17, 15-10, 15-11, 15-15,
4 and 25-27 as follows:

5 (225 ILCS 441/5-10)

6 (Section scheduled to be repealed on January 1, 2027)

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

8 (a) Every natural person who desires to obtain a home
9 inspector license shall:

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

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

17 (3) successfully complete a 4-year course of study in
18 a high school or secondary school or an equivalent course
19 of study approved by the state in which the school is
20 located, or possess a State of Illinois High School
21 Diploma, which shall be verified under oath by the
22 applicant;

23 (4) personally take and pass a written examination ~~and~~
24 ~~a field examination~~ authorized by the Department; and

1 (5) prior to taking the examination, provide evidence
2 to the Department that the applicant has successfully
3 completed the prerequisite classroom hours of instruction
4 in home inspection, as established by rule.

5 (b) The Department shall not require applicants to report
6 the following information and shall not consider the following
7 criminal history records in connection with an application for
8 licensure or registration:

9 (1) juvenile adjudications of delinquent minors as
10 defined in Section 5-105 of the Juvenile Court Act of 1987
11 subject to the restrictions set forth in Section 5-130 of
12 that Act;

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

18 (3) records of arrest not followed by a charge or
19 conviction;

20 (4) records of arrest where the charges were dismissed
21 unless related to the practice of the profession; however,
22 applicants shall not be asked to report any arrests, and
23 an arrest not followed by a conviction shall not be the
24 basis of denial and may be used only to assess an
25 applicant's rehabilitation;

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

1 (6) convictions or arrests that have been sealed or
2 expunged.

3 (c) An applicant or licensee shall report to the
4 Department, in a manner prescribed by the Department, upon
5 application and within 30 days after the occurrence, if during
6 the term of licensure, (i) any conviction of or plea of guilty
7 or nolo contendere to forgery, embezzlement, obtaining money
8 under false pretenses, larceny, extortion, conspiracy to
9 defraud, or any similar offense or offenses or any conviction
10 of a felony involving moral turpitude, (ii) the entry of an
11 administrative sanction by a government agency in this State
12 or any other jurisdiction that has as an essential element
13 dishonesty or fraud or involves larceny, embezzlement, or
14 obtaining money, property, or credit by false pretenses, or
15 (iii) a crime that subjects the licensee to compliance with
16 the requirements of the Sex Offender Registration Act.

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

23 (Source: P.A. 102-20, eff. 1-1-22; 102-1100, eff. 1-1-23.)

24 (225 ILCS 441/5-14)

25 (Section scheduled to be repealed on January 1, 2027)

1 Sec. 5-14. Social Security Number or Individual Taxpayer
2 Identification Number on license application. In addition to
3 any other information required to be contained in the
4 application, every application for an original, renewal,
5 reinstated, or restored license under this Act shall include
6 the applicant's Social Security Number or Individual Taxpayer
7 Identification Number.

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, 2027)

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 by the
19 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 and
8 without completing the continuing education requirements for
9 that licensure period if ~~(i)~~ the license expired while the
10 home inspector was (i) in federal service on active duty with
11 the Armed Forces of the United States or called into service or
12 training with the State Militia, (ii) in training or education
13 under the supervision of the United States preliminary to
14 induction into the military service, or (iii) serving as an
15 employee of the Department and within 2 years after the
16 termination of the service, training, or education, the
17 licensee furnishes the Department with satisfactory evidence
18 of service, training, or education and termination under
19 honorable conditions ~~on active duty with the United States~~
20 ~~Armed Services, (ii) application for renewal is made within 2~~
21 ~~years following the termination of the military service or~~
22 ~~related education, training, or employment, and (iii) the~~
23 ~~applicant furnishes to the Department an affidavit that the~~
24 ~~applicant was so engaged.~~

25 (d) The Department shall provide reasonable care and due
26 diligence to ensure that each licensee under this Act is

1 provided a renewal application at least 90 days prior to the
2 expiration date, but it is the responsibility of each licensee
3 to renew the license prior to its expiration date.

4 (e) The Department shall not issue or renew a license if
5 the applicant or licensee has an unpaid fine or fee from a
6 disciplinary matter or from a non-disciplinary action imposed
7 by the Department until the fine or fee is paid to the
8 Department or the applicant or licensee has entered into a
9 payment plan and is current on the required payments.

10 (f) The Department shall not issue or renew a license if
11 the applicant or licensee has an unpaid fine or civil penalty
12 imposed by the Department for unlicensed practice until the
13 fine or civil penalty is paid to the Department or the
14 applicant or licensee has entered into a payment plan and is
15 current on the required payments.

16 (g) A home inspector who notifies the Department, in a
17 manner prescribed by the Department, may place the license on
18 inactive status for a period not to exceed 2 years and shall be
19 excused from the payment of renewal fees until the person
20 notifies the Department in writing of the intention to resume
21 active practice.

22 (h) A home inspector requesting that the license be
23 changed from inactive to active status shall be required to
24 pay the current renewal fee and shall also demonstrate
25 compliance with the continuing education requirements.

26 (i) No licensee with a nonrenewed or inactive license

1 status shall provide home inspection services as set forth in
2 this Act.

3 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

4 (225 ILCS 441/5-17)

5 (Section scheduled to be repealed on January 1, 2027)

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

7 (a) The expiration date and renewal period for a home
8 inspector license for an entity that is not a natural person
9 shall be set by rule. The holder of a license may renew the
10 license within 90 days preceding the expiration date by
11 completing and submitting to the Department a renewal
12 application in a manner prescribed by the Department and
13 paying the required fees.

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

19 (c) The Department shall not issue or renew a license if
20 the applicant or licensee has an unpaid fine or fee from a
21 disciplinary matter or from a non-disciplinary action imposed
22 by the Department until the fine or fee is paid to the
23 Department or the applicant or licensee has entered into a
24 payment plan and is current on the required payments.

25 (d) The Department shall not issue or renew a license if

1 the applicant or licensee has an unpaid fine or civil penalty
2 imposed by the Department for unlicensed practice until the
3 fine or civil penalty is paid to the Department or the
4 applicant or licensee has entered into a payment plan and is
5 current on the required payments.

6 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

7 (225 ILCS 441/15-10)

8 (Section scheduled to be repealed on January 1, 2027)

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

10 (a) The Department may refuse to issue or renew, or may
11 revoke, suspend, place on probation, reprimand, or take other
12 disciplinary or non-disciplinary action as the Department may
13 deem appropriate, including imposing fines not to exceed
14 \$25,000 for each violation upon any licensee or applicant
15 under this Act or any person or entity who holds oneself out as
16 an applicant or licensee, ~~with regard to any license~~ for any
17 one or combination of the following:

18 (1) Fraud or misrepresentation in applying for, or
19 procuring a license under this Act or in connection with
20 applying for renewal of a license under this Act.

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

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

1 (4) Conviction of, or plea of guilty or nolo
2 contendere, or finding as enumerated in subsection (c) of
3 Section 5-10, under the laws of any jurisdiction of the
4 United States: (i) that is a felony, misdemeanor, or
5 administrative sanction, or (ii) that is a crime that
6 subjects the licensee to compliance with the requirements
7 of the Sex Offender Registration Act.

8 (5) Committing an act or omission involving
9 dishonesty, fraud, or misrepresentation with the intent to
10 substantially benefit the licensee or another person or
11 with the intent to substantially injure another person.

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

16 (7) Failing or refusing to exercise reasonable
17 diligence in the development, reporting, or communication
18 of a home inspection report, as defined by this Act or the
19 rules.

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

21 (9) Having been disciplined by another state, the
22 District of Columbia, a territory, a foreign nation, a
23 governmental agency, or any other entity authorized to
24 impose discipline if at least one of the grounds for that
25 discipline is the same as or substantially equivalent to
26 one of the grounds for which a licensee may be disciplined

1 under this Act.

2 (10) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (11) Accepting an inspection assignment when the
6 employment itself is contingent upon the home inspector
7 reporting a predetermined analysis or opinion, or when the
8 fee to be paid is contingent upon the analysis, opinion,
9 or conclusion reached or upon the consequences resulting
10 from the home inspection assignment.

11 (12) Developing home inspection opinions or
12 conclusions based on the race, color, religion, sex,
13 national origin, ancestry, age, marital status, family
14 status, physical or mental disability, military status,
15 unfavorable discharge from military status, sexual
16 orientation, order of protection status, ~~or~~ pregnancy, or
17 any other protected class as defined under the Illinois
18 Human Rights Act, of the prospective or present owners or
19 occupants of the area or property under home inspection.

20 (13) Being adjudicated liable in a civil proceeding on
21 grounds of fraud, misrepresentation, or deceit. In a
22 disciplinary proceeding based upon a finding of civil
23 liability, the home inspector shall be afforded an
24 opportunity to present mitigating and extenuating
25 circumstances, but may not collaterally attack the civil
26 adjudication.

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

3 (15) Engaging in misleading or untruthful advertising
4 or using a trade name or insignia of membership in a home
5 inspection organization of which the licensee is not a
6 member.

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

9 (17) Failing to include within the home inspection
10 report the home inspector's license number and the date of
11 expiration of the license. The names of (i) all persons
12 who conducted the home inspection; and (ii) all persons
13 who prepared the subsequent written evaluation or any part
14 thereof must be disclosed in the report. It is a violation
15 of this Act for a home inspector to sign a home inspection
16 report knowing that the names of all such persons have not
17 been disclosed in the home inspection report.

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

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

26 (20) Performing a home inspection when the home

1 inspector is providing or may also provide other services
2 in connection with the residential real property or
3 transaction, or has an interest in the residential real
4 property, without providing prior written notice of the
5 potential or actual conflict and obtaining the prior
6 consent of the client as provided by rule.

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

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

13 (23) A finding by the Department that the licensee,
14 after having the license placed on probationary status,
15 has violated the terms of probation.

16 (24) Willfully making or filing false records or
17 reports related to the practice of home inspection,
18 including, but not limited to, false records filed with
19 State agencies or departments.

20 (25) Charging for professional services not rendered,
21 including filing false statements for the collection of
22 fees for which services are not rendered.

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

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

1 (28) Engaging in any of the following prohibited
2 fraudulent, false, deceptive, or misleading advertising
3 practices:

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

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

13 (iii) advertising that makes only a partial
14 disclosure of relevant facts related to pricing or
15 home inspection services; and

16 (iv) advertising that claims this State or any of
17 its political subdivisions endorse the home inspection
18 report or its contents.

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

25 (30) Providing fees, gifts, waivers of liability, or
26 other forms of compensation or gratuities to persons

1 licensed under any real estate professional licensing act
2 in this State as consideration or inducement for the
3 referral of business.

4 (31) Violating the terms of any order issued by the
5 Department.

6 (b) The Department may suspend, revoke, or refuse to issue
7 or renew an education provider's license, may reprimand, place
8 on probation, or otherwise discipline an education provider
9 licensee, and may suspend or revoke the course approval of any
10 course offered by an education provider, for any of the
11 following:

12 (1) Procuring or attempting to procure licensure by
13 knowingly making a false statement, submitting false
14 information, making any form of fraud or
15 misrepresentation, or refusing to provide complete
16 information in response to a question in an application
17 for licensure.

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

20 (3) Committing an act or omission involving
21 dishonesty, fraud, or misrepresentation or allowing any
22 such act or omission by any employee or contractor under
23 the control of the education provider.

24 (4) Engaging in misleading or untruthful advertising.

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

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

4 (7) Failing to administer an approved course using the
5 course materials, syllabus, and examinations submitted as
6 the basis of the course approval.

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

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

13 (10) Failing to provide a certificate, transcript, or
14 other student record to the Department or to a student as
15 may be required by rule.

16 (11) Failing to fully cooperate with a Department
17 investigation by knowingly making a false statement,
18 submitting false or misleading information, or refusing to
19 provide complete information in response to written
20 interrogatories or a written request for documentation
21 within 30 days of the request.

22 (c) (Blank).

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

1 tax return, or to pay any final assessment of tax, penalty, or
2 interest, as required by any tax Act administered by the
3 Illinois Department of Revenue, until such time as the
4 requirements of the tax Act are satisfied in accordance with
5 subsection (g) of Section 2105-15 of the Civil Administrative
6 Code of Illinois.

7 (e) (Blank).

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

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

1 (h) (Blank).

2 (Source: P.A. 102-20, eff. 1-1-22.)

3 (225 ILCS 441/15-11)

4 (Section scheduled to be repealed on January 1, 2027)

5 Sec. 15-11. Illegal discrimination. When there has been an
6 adjudication in a civil or criminal proceeding that a licensee
7 has illegally discriminated while engaged in any activity for
8 which a license is required under this Act, the Department,
9 upon the determination by ~~recommendation of~~ the Secretary
10 ~~Board~~ as to the extent of the suspension or revocation, shall
11 suspend or revoke the license of that licensee in a timely
12 manner, unless the adjudication is in the appeal process. When
13 there has been an order in an administrative proceeding
14 finding that a licensee has illegally discriminated while
15 engaged in any activity for which a license is required under
16 this Act, the Department, upon the determination by
17 ~~recommendation of~~ the Secretary Board as to the nature and
18 extent of the discipline, shall take one or more of the
19 disciplinary actions provided for in Section 15-10 of this Act
20 in a timely manner, unless the administrative order is in the
21 appeal process.

22 (Source: P.A. 102-970, eff. 5-27-22.)

23 (225 ILCS 441/15-15)

24 (Section scheduled to be repealed on January 1, 2027)

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

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

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

1 ~~inspector, if any. If the applicant or licensee orders from~~
2 ~~the reporting service and pays for a transcript of the record~~
3 ~~within the time for filing a motion for rehearing, then the~~
4 ~~20-day period during which a motion may be filed shall~~
5 ~~commence upon the delivery of the transcript to the applicant~~
6 ~~or licensee.~~

7 (Source: P.A. 102-20, eff. 1-1-22.)

8 (225 ILCS 441/25-27)

9 (Section scheduled to be repealed on January 1, 2027)

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

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

18 (b) Any circuit court, upon the application of the
19 licensee or the Department, may order the attendance and
20 testimony of witnesses and the production of relevant
21 documents, files, records, books, and papers in connection
22 with any hearing or investigation. The circuit court may
23 compel obedience to its order by proceedings for contempt.

24 (c) The Secretary or the Secretary's designee, the hearing
25 officer, ~~any member of the Board~~, or a certified shorthand

1 court reporter may administer oaths at any hearing the
2 Department conducts. Notwithstanding any other statute or
3 Department rule to the contrary, all requests for testimony,
4 production of documents, or records shall be in accordance
5 with this Act.

6 (Source: P.A. 102-20, eff. 1-1-22.)

7 Section 20. The Real Estate License Act of 2000 is amended
8 by changing Sections 1-10, 5-6, 5-10, 5-20, 5-29, 5-50, 5-60,
9 5-75, 10-25, 10-30, 20-20, 20-20.1, 20-22, 20-23, 20-25,
10 20-60, 20-69, 20-72, 25-10, and 25-25 and by adding Section
11 20-21.1 as follows:

12 (225 ILCS 454/1-10)

13 (Section scheduled to be repealed on January 1, 2030)

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

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

17 "Address of record" means the designated address recorded
18 by the Department in the applicant's or licensee's application
19 file or license file as maintained by the Department.

20 "Agency" means a relationship in which a broker or
21 licensee, whether directly or through an affiliated licensee,
22 represents a consumer by the consumer's consent, whether
23 express or implied, in a real property transaction.

24 "Applicant" means any person, as defined in this Section,

1 who applies to the Department for a valid license as a managing
2 broker, broker, or residential leasing agent.

3 "Blind advertisement" means any real estate advertisement
4 that is used by a licensee regarding the sale or lease of real
5 estate, licensed activities, or the hiring of any licensee
6 under this Act that does not include the sponsoring broker's
7 complete business name or, in the case of electronic
8 advertisements, does not provide a direct link to a display
9 with all the required disclosures. The broker's business name
10 in the case of a franchise shall include the franchise
11 affiliation as well as the name of the individual firm.

12 "Board" means the Real Estate Administration and
13 Disciplinary Board of the Department as created by Section
14 25-10 of this Act.

15 "Broker" means an individual, entity, corporation, foreign
16 or domestic partnership, limited liability company, registered
17 limited liability partnership, or other business entity other
18 than a residential leasing agent who, whether in person or
19 through any media or technology, for another and for
20 compensation, or with the intention or expectation of
21 receiving compensation, either directly or indirectly:

22 (1) Sells, exchanges, purchases, rents, or leases real
23 estate.

24 (2) Offers to sell, exchange, purchase, rent, or lease
25 real estate.

26 (3) Negotiates, offers, attempts, or agrees to

1 negotiate the sale, exchange, purchase, rental, or leasing
2 of real estate.

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

5 (5) Whether for another or themselves, engages in a
6 pattern of business of buying, selling, offering to buy or
7 sell, marketing for sale, exchanging, or otherwise dealing
8 in contracts, including assignable contracts for the
9 purchase or sale of, or options on real estate or
10 improvements thereon. For purposes of this definition, an
11 individual or entity will be found to have engaged in a
12 pattern of business if the individual or entity by itself
13 or with any combination of other individuals or entities,
14 whether as partners or common owners in another entity,
15 has engaged in one or more of these practices on 2 or more
16 occasions in any 12-month period.

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

19 (7) Advertises or represents oneself as being engaged
20 in the business of buying, selling, exchanging, renting,
21 or leasing real estate.

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

25 (9) Assists or directs in the negotiation of any
26 transaction intended to result in the sale, exchange,

1 lease, or rental of real estate.

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

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

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

10 "Brokerage agreement" means a written or oral agreement
11 between a sponsoring broker and a consumer for licensed
12 activities, or the performance of future licensed activities,
13 to be provided to a consumer in return for compensation or the
14 right to receive compensation from another. Brokerage
15 agreements may constitute either a bilateral or a unilateral
16 agreement between the broker and the broker's client depending
17 upon the content of the brokerage agreement. All exclusive
18 brokerage agreements shall be in writing.

19 "Broker price opinion" means an estimate or analysis of
20 the probable selling price of a particular interest in real
21 estate, which may provide a varying level of detail about the
22 property's condition, market, and neighborhood and information
23 on comparable sales. The activities of a real estate broker or
24 managing broker engaging in the ordinary course of business as
25 a broker, as defined in this Section, shall not be considered a
26 broker price opinion if no compensation is paid to the broker

1 or managing broker, other than compensation based upon the
2 sale or rental of real estate. A broker price opinion shall not
3 be considered an appraisal within the meaning of the Real
4 Estate Appraiser Licensing Act of 2002, any amendment to that
5 Act, or any successor Act.

6 "Client" means a person who is being represented by a
7 licensee.

8 "Comparative market analysis" means an analysis or opinion
9 regarding pricing, marketing, or financial aspects relating to
10 a specified interest or interests in real estate that may be
11 based upon an analysis of comparative market data, the
12 expertise of the real estate broker or managing broker, and
13 such other factors as the broker or managing broker may deem
14 appropriate in developing or preparing such analysis or
15 opinion. The activities of a real estate broker or managing
16 broker engaging in the ordinary course of business as a
17 broker, as defined in this Section, shall not be considered a
18 comparative market analysis if no compensation is paid to the
19 broker or managing broker, other than compensation based upon
20 the sale or rental of real estate. A comparative market
21 analysis shall not be considered an appraisal within the
22 meaning of the Real Estate Appraiser Licensing Act of 2002,
23 any amendment to that Act, or any successor Act.

24 "Compensation" means the valuable consideration given by
25 one person or entity to another person or entity in exchange
26 for the performance of some activity or service. Compensation

1 shall include the transfer of valuable consideration,
2 including without limitation the following:

3 (1) commissions;

4 (2) referral fees;

5 (3) bonuses;

6 (4) prizes;

7 (5) merchandise;

8 (6) finder fees;

9 (7) performance of services;

10 (8) coupons or gift certificates;

11 (9) discounts;

12 (10) rebates;

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

16 (12) retainer fee; or

17 (13) salary.

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

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

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

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

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

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

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

11 "Credit hour" means 50 minutes of instruction in course
12 work that meets the requirements set forth in rules adopted by
13 the Department.

14 "Customer" means a consumer who is not being represented
15 by the licensee.

16 "Department" means the Department of Financial and
17 Professional Regulation.

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

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

25 "Designated managing broker" means a managing broker who
26 has supervisory responsibilities for licensees in one or, in

1 the case of a multi-office company, more than one office and
2 who has been appointed as such by the sponsoring broker
3 registered with the Department.

4 "Director" means the Director of Real Estate within the
5 Department of Financial and Professional Regulation.

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

13 "Education provider" means a school licensed by the
14 Department offering courses in pre-license, post-license, or
15 continuing education required by this Act.

16 "Employee" or other derivative of the word "employee",
17 when used to refer to, describe, or delineate the relationship
18 between a sponsoring broker and a managing broker, broker, or
19 a residential leasing agent, shall be construed to include an
20 independent contractor relationship, provided that a written
21 agreement exists that clearly establishes and states the
22 relationship.

23 "Escrow moneys" means all moneys, promissory notes, or any
24 other type or manner of legal tender or financial
25 consideration deposited with any person for the benefit of the
26 parties to the transaction. A transaction exists once an

1 agreement has been reached and an accepted real estate
2 contract signed or lease agreed to by the parties. "Escrow
3 moneys" includes, without limitation, earnest moneys and
4 security deposits, except those security deposits in which the
5 person holding the security deposit is also the sole owner of
6 the property being leased and for which the security deposit
7 is being held.

8 "Electronic means of proctoring" means a methodology
9 providing assurance that the person taking a test and
10 completing the answers to questions is the person seeking
11 licensure or credit for continuing education and is doing so
12 without the aid of a third party or other device.

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

18 "Inactive" means a status of licensure where the licensee
19 holds a current license under this Act, but the licensee is
20 prohibited from engaging in licensed activities because the
21 licensee is unsponsored or the license of the sponsoring
22 broker with whom the licensee is associated or by whom the
23 licensee is employed is currently expired, revoked, suspended,
24 or otherwise rendered invalid under this Act. The license of
25 any business entity that is not in good standing with the
26 Illinois Secretary of State, or is not authorized to conduct

1 business in Illinois, shall immediately become inactive and
2 that entity shall be prohibited from engaging in any licensed
3 activities.

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

6 "License" means the privilege conferred by the Department
7 to a person that has fulfilled all requirements prerequisite
8 to any type of licensure under this Act.

9 "Licensed activities" means those activities listed in the
10 definition of "broker" under this Section.

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

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

17 "Managing broker" means a licensee who may be authorized
18 to assume responsibilities as a designated managing broker for
19 licensees in one or, in the case of a multi-office company,
20 more than one office, upon appointment by the sponsoring
21 broker and registration with the Department. A managing broker
22 may act as one's own sponsor.

23 "Medium of advertising" means any method of communication
24 intended to influence the general public to use or purchase a
25 particular good or service or real estate, including, but not
26 limited to, print, electronic, social media, and digital

1 forums.

2 "Office" means a broker's place of business where the
3 general public is invited to transact business and where
4 records may be maintained and licenses readily available,
5 whether or not it is the broker's principal place of business.

6 "Person" means and includes individuals, entities,
7 corporations, limited liability companies, registered limited
8 liability partnerships, foreign and domestic partnerships, and
9 other business entities, except that when the context
10 otherwise requires, the term may refer to a single individual
11 or other described entity.

12 "Proctor" means any person, including, but not limited to,
13 an instructor, who has a written agreement to administer
14 examinations fairly and impartially with a licensed education
15 provider.

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

24 "Regular employee" means a person working an average of 20
25 hours per week for a person or entity who would be considered
26 as an employee under the Internal Revenue Service rules for

1 classifying workers.

2 "Renewal period" means the period beginning 90 days prior
3 to the expiration date of a license.

4 "Residential leasing agent" means a person who is employed
5 by a broker to engage in licensed activities limited to
6 leasing residential real estate who has obtained a license as
7 provided for in Section 5-5 of this Act.

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

11 "Sponsoring broker" means the broker who certifies to the
12 Department the broker's ~~his, her, or its~~ sponsorship of a
13 licensed managing broker, broker, or a residential leasing
14 agent.

15 "Sponsorship" means that a sponsoring broker has certified
16 to the Department that a managing broker, broker, or
17 residential leasing agent is employed by or associated by
18 written agreement with the sponsoring broker and the
19 Department has registered the sponsorship, as provided for in
20 Section 5-40 of this Act.

21 "Team" means any 2 or more licensees who work together to
22 provide real estate brokerage services, represent themselves
23 to the public as being part of a team or group, are identified
24 by a team name that is different than their sponsoring
25 broker's name, and together are supervised by the same
26 managing broker and sponsored by the same sponsoring broker.

1 "Team" does not mean a separately organized, incorporated, or
2 legal entity.

3 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22.)

4 (225 ILCS 454/5-6)

5 (Section scheduled to be repealed on January 1, 2030)

6 Sec. 5-6. Social Security Number or Individual Taxpayer
7 ~~Tax~~ Identification Number on license application. In addition
8 to any other information required to be contained in the
9 application, every application for an original license under
10 this Act shall include the applicant's Social Security Number
11 or Tax Identification Number, which shall be retained in the
12 agency's records pertaining to the license. An applicant may
13 provide an Individual Taxpayer Identification Number as an
14 alternative to providing a Social Security Number when
15 applying for a license. As soon as practical, the Department
16 shall assign a separate and distinct identification number to
17 each applicant for a license.

18 Every application for a renewal or restored license shall
19 require the applicant's identification number.

20 (Source: P.A. 101-357, eff. 8-9-19.)

21 (225 ILCS 454/5-10)

22 (Section scheduled to be repealed on January 1, 2030)

23 Sec. 5-10. Requirements for license as a residential
24 leasing agent; continuing education.

1 (a) Every applicant for licensure as a residential leasing
2 agent must meet the following qualifications:

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

4 (2) be of good moral character;

5 (3) successfully complete a 4-year course of study in
6 a high school or secondary school or an equivalent course
7 of study approved by the state in which the school is
8 located, or possess a State of Illinois High School
9 Diploma, which shall be verified under oath by the
10 applicant;

11 (4) personally take and pass a written examination
12 authorized by the Department sufficient to demonstrate the
13 applicant's knowledge of the provisions of this Act
14 relating to residential leasing agents and the applicant's
15 competence to engage in the activities of a licensed
16 residential leasing agent;

17 (5) provide satisfactory evidence of having completed
18 15 hours of instruction in an approved course of study
19 relating to the leasing of residential real property. The
20 Board may recommend to the Department the number of hours
21 each topic of study shall require. The course of study
22 shall, among other topics, cover the provisions of this
23 Act applicable to residential leasing agents; fair housing
24 and human rights issues relating to residential leasing;
25 advertising and marketing issues; leases, applications,
26 and credit and criminal background reports; owner-tenant

1 relationships and owner-tenant laws; the handling of
2 funds; and environmental issues relating to residential
3 real property;

4 (6) complete any other requirements as set forth by
5 rule; and

6 (7) present a valid application for issuance of an
7 initial license accompanied by fees specified by rule.

8 (b) No applicant shall engage in any of the activities
9 covered by this Act without a valid license and until a valid
10 sponsorship has been registered with the Department.

11 (c) ~~Successfully completed course work, completed pursuant~~
12 ~~to the requirements of this Section, may be applied to the~~
13 ~~course work requirements to obtain a managing broker's or~~
14 ~~broker's license as provided by rule.~~ The Board may recommend
15 to the Department and the Department may adopt requirements
16 for approved courses, course content, and the approval of
17 courses, instructors, and education providers, as well as
18 education provider and instructor fees. The Department may
19 establish continuing education requirements for residential
20 licensed leasing agents, by rule, consistent with the language
21 and intent of this Act, with the advice of the Board.

22 (d) The continuing education requirement for residential
23 leasing agents shall consist of a single core curriculum to be
24 prescribed by the Department as recommended by the Board.
25 Leasing agents shall be required to complete no less than 8
26 hours of continuing education in the core curriculum during

1 the current term of the license. The curriculum shall, at a
2 minimum, consist of a single course or courses on the subjects
3 of fair housing and human rights issues related to residential
4 leasing, advertising and marketing issues, leases,
5 applications, credit reports, and criminal history, the
6 handling of funds, owner-tenant relationships and owner-tenant
7 laws, and environmental issues relating to residential real
8 estate.

9 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22;
10 102-1100, eff. 1-1-23; revised 12-14-22.)

11 (225 ILCS 454/5-20)

12 (Section scheduled to be repealed on January 1, 2030)

13 Sec. 5-20. Exemptions from managing broker, broker, or
14 residential leasing agent license requirement; Department
15 exemption from education provider and related licenses. The
16 requirement for holding a license under this Article 5 shall
17 not apply to:

18 (1) Any person, as defined in Section 1-10, that as
19 owner or lessor performs any of the acts described in the
20 definition of "broker" under Section 1-10 of this Act with
21 reference to property owned or leased by it, or to the
22 regular employees thereof with respect to the property so
23 owned or leased, where such acts are performed in the
24 regular course of or as an incident to the management,
25 sale, or other disposition of such property and the

1 investment therein, if such regular employees do not
2 perform any of the acts described in the definition of
3 "broker" under Section 1-10 of this Act in connection with
4 a vocation of selling or leasing any real estate or the
5 improvements thereon not so owned or leased.

6 (2) An attorney in fact acting under a duly executed
7 and recorded power of attorney to convey real estate from
8 the owner or lessor or the services rendered by an
9 attorney at law in the performance of the attorney's duty
10 as an attorney at law.

11 (3) Any person acting as receiver, trustee in
12 bankruptcy, administrator, executor, or guardian or while
13 acting under a court order or under the authority of a will
14 or testamentary trust.

15 (4) Any person acting as a resident manager for the
16 owner or any employee acting as the resident manager for a
17 broker managing an apartment building, duplex, or
18 apartment complex, when the resident manager resides on
19 the premises, the premises is the ~~his or her~~ primary
20 residence of the resident manager, and the resident
21 manager is engaged in the leasing of that ~~the~~ property ~~of~~
22 ~~which he or she is the resident manager.~~

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

25 (6) Any officer or employee of the State government or
26 any political subdivision thereof performing official

1 duties.

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

10 (8) Railroads and other public utilities regulated by
11 the State of Illinois, or the officers or full-time
12 employees thereof, unless the performance of any licensed
13 activities is in connection with the sale, purchase,
14 lease, or other disposition of real estate or investment
15 therein that does not require the approval of the
16 appropriate State regulatory authority.

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

21 (10) Any resident lessee of a residential dwelling
22 unit who refers for compensation to the owner of the
23 dwelling unit, or to the owner's agent, prospective
24 lessees of dwelling units in the same building or complex
25 as the resident lessee's unit, but only if the resident
26 lessee (i) refers no more than 3 prospective lessees in

1 any 12-month period, (ii) receives compensation of no more
2 than \$5,000 or the equivalent of 2 months' rent, whichever
3 is less, in any 12-month period, and (iii) limits ~~his or~~
4 ~~her~~ activities to referring prospective lessees to the
5 owner, or the owner's agent, and does not show a
6 residential dwelling unit to a prospective lessee, discuss
7 terms or conditions of leasing a dwelling unit with a
8 prospective lessee, or otherwise participate in the
9 negotiation of the leasing of a dwelling unit.

10 (11) The purchase, sale, or transfer of a timeshare or
11 similar vacation item or interest, vacation club
12 membership, or other activity formerly regulated under the
13 Real Estate Timeshare Act of 1999 (repealed).

14 (12) (Blank).

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

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

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

26 (C) the person has had no lapse in the licensure

1 ~~his or her license~~ as an auctioneer; and

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

7 (14) A person who holds a valid license under the
8 Auction License Act and a valid real estate auction
9 certification and conducts auctions for the sale of real
10 estate under Section 5-32 of this Act.

11 (15) A hotel operator who is registered with the
12 Illinois Department of Revenue and pays taxes under the
13 Hotel Operators' Occupation Tax Act and rents a room or
14 rooms in a hotel as defined in the Hotel Operators'
15 Occupation Tax Act for a period of not more than 30
16 consecutive days and not more than 60 days in a calendar
17 year or a person who participates in an online marketplace
18 enabling persons to rent out all or part of the person's
19 owned residence.

20 (16) Notwithstanding any provisions to the contrary,
21 the Department and its employees shall be exempt from
22 education, course provider, instructor, and course license
23 requirements and fees while acting in an official capacity
24 on behalf of the Department. Courses offered by the
25 Department shall be eligible for continuing education
26 credit.

1 (Source: P.A. 100-534, eff. 9-22-17; 100-831, eff. 1-1-19;
2 101-357, eff. 8-9-19.)

3 (225 ILCS 454/5-29)

4 (Section scheduled to be repealed on January 1, 2030)

5 Sec. 5-29. Temporary practice as a designated managing
6 broker. Upon the loss of a designated managing broker who is
7 not replaced by the sponsoring broker or in the event of the
8 death or ~~adjudicated~~ disability of a self-sponsored managing
9 broker ~~the sole proprietor of an office~~, a written request for
10 authorization allowing the continued operation of the office
11 may be submitted to the Department within 15 days of the loss.
12 The Department may issue a written authorization allowing the
13 continued operation, provided that a licensed managing broker
14 or, in the case of the death or ~~adjudicated~~ disability of a
15 self-sponsored managing broker ~~sole proprietor~~, the
16 representative of the estate, assumes responsibility, in
17 writing, for the operation of the office and agrees to
18 personally supervise the operation of the office. No such
19 written authorization shall be valid for more than 60 days
20 unless extended by the Department for good cause shown and
21 upon written request by the broker or representative.

22 (Source: P.A. 101-357, eff. 8-9-19.)

23 (225 ILCS 454/5-50)

24 (Section scheduled to be repealed on January 1, 2030)

1 Sec. 5-50. Expiration and renewal of managing broker,
2 broker, or residential leasing agent license; sponsoring
3 broker; register of licensees.

4 (a) The expiration date and renewal period for each
5 license issued under this Act shall be set by rule. Except as
6 otherwise provided in this Section, the holder of a license
7 may renew the license within 90 days preceding the expiration
8 date thereof by completing the continuing education required
9 by this Act and paying the fees specified by rule.

10 (b) An individual whose first license is that of a broker
11 received on or after the effective date of this amendatory Act
12 of the 101st General Assembly, must provide evidence of having
13 completed 45 hours of post-license education presented in a
14 classroom or a live, interactive webinar, or online distance
15 education course, and which shall require passage of a final
16 examination.

17 The Board may recommend, and the Department shall approve,
18 45 hours of post-license education, consisting of three
19 15-hour post-license courses, one each that covers applied
20 brokerage principles, risk management/discipline, and
21 transactional issues. Each of the courses shall require its
22 own 50-question final examination, which shall be administered
23 by the education provider that delivers the course.

24 Individuals whose first license is that of a broker
25 received on or after the effective date of this amendatory Act
26 of the 101st General Assembly, must complete all three 15-hour

1 courses and successfully pass a course final examination for
2 each course prior to the date of the next broker renewal
3 deadline, except for those individuals who receive their first
4 license within the 180 days preceding the next broker renewal
5 deadline, who must complete all three 15-hour courses and
6 successfully pass a course final examination for each course
7 prior to the second broker renewal deadline that follows the
8 receipt of their license.

9 (c) Any managing broker, broker, or residential leasing
10 agent whose license under this Act has expired shall be
11 eligible to renew the license during the 2-year period
12 following the expiration date, provided the managing broker,
13 broker, or residential leasing agent pays the fees as
14 prescribed by rule and completes continuing education and
15 other requirements provided for by the Act or by rule. A
16 managing broker, broker, or residential leasing agent whose
17 license has been expired for more than 2 years but less than 5
18 years may have it restored by (i) applying to the Department,
19 (ii) paying the required fee, (iii) completing the continuing
20 education requirements for the most recent term of licensure
21 that ended prior to the date of the application for
22 reinstatement, and (iv) filing acceptable proof of fitness to
23 have the license restored, as set by rule. A managing broker,
24 broker, or residential leasing agent whose license has been
25 expired for more than 5 years shall be required to meet the
26 requirements for a new license.

1 (d) Notwithstanding any other provisions of this Act to
2 the contrary, any managing broker, broker, or residential
3 leasing agent whose license expired while the licensee was (i)
4 on active duty with the Armed Forces of the United States or
5 called into service or training by the state militia, (ii)
6 engaged in training or education under the supervision of the
7 United States preliminary to induction into military service,
8 or (iii) serving as the Coordinator of Real Estate in the State
9 of Illinois or as an employee of the Department may have the
10 license renewed, reinstated or restored without paying any
11 lapsed renewal fees, and without completing the continuing
12 education requirements for that licensure period if within 2
13 years after the termination of the service, training or
14 education the licensee furnishes ~~by furnishing~~ the Department
15 with satisfactory evidence of service, training, or education
16 and termination ~~it has been terminated~~ under honorable
17 conditions.

18 (e) Each licensee shall carry on one's person the license
19 or an electronic version thereof.

20 (f) The Department shall provide to the sponsoring broker
21 a notice of renewal for all sponsored licensees by mailing the
22 notice to the sponsoring broker's address of record, or, at
23 the Department's discretion, emailing the notice to the
24 sponsoring broker's email address of record.

25 (g) Upon request from the sponsoring broker, the
26 Department shall make available to the sponsoring broker, by

1 electronic means at the discretion of the Department, a
2 listing of licensees under this Act who, according to the
3 records of the Department, are sponsored by that broker. Every
4 licensee associated with or employed by a broker whose license
5 is revoked, suspended, or expired shall be considered inactive
6 until such time as the sponsoring broker's license is
7 reinstated or renewed, or a new valid sponsorship is
8 registered with the Department as set forth in subsection (b)
9 of Section 5-40 of this Act.

10 (h) The Department shall not issue or renew a license if
11 the applicant or licensee has an unpaid fine or fee from a
12 disciplinary matter or from a non-disciplinary action imposed
13 by the Department until the fine or fee is paid to the
14 Department or the applicant or licensee has entered into a
15 payment plan and is current on the required payments.

16 (i) The Department shall not issue or renew a license if
17 the applicant or licensee has an unpaid fine or civil penalty
18 imposed by the Department for unlicensed practice until the
19 fine or civil penalty is paid to the Department or the
20 applicant or licensee has entered into a payment plan and is
21 current on the required payments.

22 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22.)

23 (225 ILCS 454/5-60)

24 (Section scheduled to be repealed on January 1, 2030)

25 Sec. 5-60. Managing broker licensed in another state;

1 broker licensed in another state; reciprocal agreements; agent
2 for service of process.

3 (a) A managing broker's license may be issued by the
4 Department to a managing broker or its equivalent licensed
5 under the laws of another state of the United States, under the
6 following conditions:

7 (1) the managing broker holds a managing broker's
8 license in a state that has entered into a reciprocal
9 agreement with the Department;

10 (2) the standards for that state for licensing as a
11 managing broker are substantially equal to or greater than
12 the minimum standards in the State of Illinois;

13 (3) the managing broker has been actively practicing
14 as a managing broker in the managing broker's state of
15 licensure for a period of not less than 2 years,
16 immediately prior to the date of application;

17 (4) the managing broker furnishes the Department with
18 a statement under seal of the proper licensing authority
19 of the state in which the managing broker is licensed
20 showing that the managing broker has an active managing
21 broker's license, that the managing broker is in good
22 standing, and any disciplinary action taken ~~that no~~
23 ~~complaints are pending~~ against the managing broker in that
24 state;

25 (5) the managing broker passes a test on Illinois
26 specific real estate brokerage laws; and

1 (6) the managing broker was licensed by an examination
2 in the state that has entered into a reciprocal agreement
3 with the Department.

4 (b) A broker's license may be issued by the Department to a
5 broker or its equivalent licensed under the laws of another
6 state of the United States, under the following conditions:

7 (1) the broker holds a broker's license in a state
8 that has entered into a reciprocal agreement with the
9 Department;

10 (2) the standards for that state for licensing as a
11 broker are substantially equivalent to or greater than the
12 minimum standards in the State of Illinois;

13 (3) (blank);

14 (4) the broker furnishes the Department with a
15 statement under seal of the proper licensing authority of
16 the state in which the broker is licensed showing that the
17 broker has an active broker's license, that the broker is
18 in good standing, and any disciplinary action taken ~~that~~
19 ~~no complaints are pending~~ against the broker in that
20 state;

21 (5) the broker passes a test on Illinois specific real
22 estate brokerage laws; and

23 (6) the broker was licensed by an examination in a
24 state that has entered into a reciprocal agreement with
25 the Department.

26 (c) (Blank).

1 (d) As a condition precedent to the issuance of a license
2 to a managing broker or broker pursuant to this Section, the
3 managing broker or broker shall agree in writing to abide by
4 all the provisions of this Act with respect to ~~his or her~~ real
5 estate activities within the State of Illinois and submit to
6 the jurisdiction of the Department as provided in this Act.
7 The agreement shall be filed with the Department and shall
8 remain in force for so long as the managing broker or broker is
9 licensed by this State and thereafter with respect to acts or
10 omissions committed while licensed as a managing broker or
11 broker in this State.

12 (e) Prior to the issuance of any license to any managing
13 broker or broker pursuant to this Section, verification of
14 active licensure issued for the conduct of such business in
15 any other state must be filed with the Department by the
16 managing broker or broker, and the same fees must be paid as
17 provided in this Act for the obtaining of a managing broker's
18 or broker's license in this State.

19 (f) Licenses previously granted under reciprocal
20 agreements with other states shall remain in force so long as
21 the Department has a reciprocal agreement with the state that
22 includes the requirements of this Section, unless that license
23 is suspended, revoked, or terminated by the Department for any
24 reason provided for suspension, revocation, or termination of
25 a resident licensee's license. Licenses granted under
26 reciprocal agreements may be renewed in the same manner as a

1 resident's license.

2 (g) Prior to the issuance of a license to a nonresident
3 managing broker or broker, the managing broker or broker shall
4 file with the Department, in a manner prescribed by the
5 Department, a designation in writing that appoints the
6 Secretary to act as ~~his or her~~ agent upon whom all judicial and
7 other process or legal notices directed to the managing broker
8 or broker may be served. Service upon the agent so designated
9 shall be equivalent to personal service upon the licensee.
10 Copies of the appointment, certified by the Secretary, shall
11 be deemed sufficient evidence thereof and shall be admitted in
12 evidence with the same force and effect as the original
13 thereof might be admitted. In the written designation, the
14 managing broker or broker shall agree that any lawful process
15 against the licensee that is served upon the agent shall be of
16 the same legal force and validity as if served upon the
17 licensee and that the authority shall continue in force so
18 long as any liability remains outstanding in this State. Upon
19 the receipt of any process or notice, the Secretary shall
20 forthwith deliver a copy of the same by regular mail or email
21 to the last known business address or email address of the
22 licensee.

23 (h) Any person holding a valid license under this Section
24 shall be eligible to obtain a managing broker's license or a
25 broker's license without examination should that person change
26 their state of domicile to Illinois and that person otherwise

1 meets the qualifications for licensure under this Act.

2 (Source: P.A. 101-357, eff. 8-9-19.)

3 (225 ILCS 454/5-75)

4 (Section scheduled to be repealed on January 1, 2030)

5 Sec. 5-75. Out-of-state continuing education credit. If a
6 renewal applicant has earned continuing education hours in
7 another state or territory for which the applicant ~~he or she~~ is
8 claiming credit toward full compliance in Illinois, the
9 Department may approve those hours based upon whether the
10 course is one that would be approved under Section 5-70 of this
11 Act, whether the course meets the basic requirements for
12 continuing education under this Act, and any other criteria
13 that are provided by statute or rule.

14 (Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

15 (225 ILCS 454/10-25)

16 (Section scheduled to be repealed on January 1, 2030)

17 Sec. 10-25. Expiration of brokerage agreement. No licensee
18 shall obtain any written brokerage agreement that does not
19 either provide for automatic expiration within a definite
20 period of time, and if longer than one year, ~~or~~ provide the
21 client with a right to terminate the agreement annually by
22 giving no more than 30 days' prior written notice. Any written
23 brokerage agreement not containing such a provision shall be
24 void. When the license of any sponsoring broker is suspended

1 or revoked, any brokerage agreement with the sponsoring broker
2 shall be deemed to expire upon the effective date of the
3 suspension or revocation.

4 (Source: P.A. 98-531, eff. 8-23-13.)

5 (225 ILCS 454/10-30)

6 (Section scheduled to be repealed on January 1, 2030)

7 Sec. 10-30. Advertising.

8 (a) No advertising, whether in print, via the Internet, or
9 through social media, digital forums, or any other media,
10 shall be fraudulent, deceptive, inherently misleading, or
11 proven to be misleading in practice. Advertising shall be
12 considered misleading or untruthful if, when taken as a whole,
13 there is a distinct and reasonable possibility that it will be
14 misunderstood or will deceive the ordinary consumer.
15 Advertising shall contain all information necessary to
16 communicate the information contained therein to the public in
17 an accurate, direct, and readily comprehensible manner. Team
18 names may not contain inherently misleading terms, such as
19 "company", "realty", "real estate", "agency", "associates",
20 "brokers", "properties", or "property".

21 (b) No blind advertisements may be used by any licensee,
22 in any media, except as provided for in this Section.

23 (c) A licensee shall disclose, in writing, to all parties
24 in a transaction the licensee's ~~his or her~~ status as a licensee
25 and any and all interest the licensee has or may have in the

1 real estate constituting the subject matter thereof, directly
2 or indirectly, according to the following guidelines:

3 (1) On broker yard signs or in broker advertisements,
4 no disclosure of ownership is necessary. However, the
5 ownership shall be indicated on any property data form
6 accessible to the consumer and disclosed to persons
7 responding to any advertisement or any sign. The term
8 "broker owned" or "agent owned" is sufficient disclosure.

9 (2) A sponsored or inactive licensee selling or
10 leasing property, owned solely by the sponsored or
11 inactive licensee, without utilizing brokerage services of
12 their sponsoring broker or any other licensee, may
13 advertise "By Owner". For purposes of this Section,
14 property is "solely owned" by a sponsored or inactive
15 licensee if the licensee ~~he or she~~ (i) has a 100% ownership
16 interest alone, (ii) has ownership as a joint tenant or
17 tenant by the entirety, or (iii) holds a 100% beneficial
18 interest in a land trust. Sponsored or inactive licensees
19 selling or leasing "By Owner" shall comply with the
20 following if advertising by owner:

21 (A) On "By Owner" yard signs, the sponsored or
22 inactive licensee shall indicate "broker owned" or
23 "agent owned." "By Owner" advertisements used in any
24 medium of advertising shall include the term "broker
25 owned" or "agent owned."

26 (B) If a sponsored or inactive licensee runs

1 advertisements, for the purpose of purchasing or
2 leasing real estate, the licensee ~~he or she~~ shall
3 disclose in the advertisements the licensee's ~~his or~~
4 ~~her~~ status as a licensee.

5 (C) A sponsored or inactive licensee shall not use
6 the sponsoring broker's name or the sponsoring
7 broker's company name in connection with the sale,
8 lease, or advertisement of the property nor utilize
9 the sponsoring broker's or company's name in
10 connection with the sale, lease, or advertising of the
11 property in a manner likely to create confusion among
12 the public as to whether or not the services of a real
13 estate company are being utilized or whether or not a
14 real estate company has an ownership interest in the
15 property.

16 (d) A sponsored licensee may not advertise under the
17 licensee's ~~his or her~~ own name. Advertising in any media shall
18 be under the direct supervision of the sponsoring or
19 designated managing broker and in the sponsoring broker's
20 business name, which in the case of a franchise shall include
21 the franchise affiliation as well as the name of the
22 individual firm. This provision does not apply under the
23 following circumstances:

24 (1) When a licensee enters into a brokerage agreement
25 relating to ~~his or her own~~ real estate owned by the
26 licensee, or real estate in which the licensee ~~he or she~~

1 has an ownership interest, with another licensed broker;
2 or

3 (2) When a licensee is selling or leasing ~~his or her~~
4 ~~own~~ real estate owned by the licensee or buying or leasing
5 real estate for their own use ~~himself or herself~~, after
6 providing the appropriate written disclosure of ~~his or her~~
7 ownership interest as required in paragraph (2) of
8 subsection (c) of this Section.

9 (e) No licensee shall list the licensee's ~~his or her~~ name
10 or otherwise advertise in the licensee's ~~his or her~~ own name to
11 the general public through any medium of advertising as being
12 in the real estate business without listing the ~~his or her~~
13 sponsoring broker's business name.

14 (f) The sponsoring broker's business name and the name of
15 the licensee must appear in all advertisements, including
16 business cards. In advertising that includes the sponsoring
17 broker's name and a team name or individual broker's name, the
18 sponsoring broker's business name shall be at least equal in
19 size or larger than the team name or that of the individual.

20 (g) Those individuals licensed as a managing broker and
21 designated with the Department as a designated managing broker
22 by their sponsoring broker shall identify themselves to the
23 public in advertising, except on "For Sale" or similar signs,
24 as a designated managing broker. No other individuals holding
25 a managing broker's license may hold themselves out to the
26 public or other licensees as a designated managing broker, but

1 they may hold themselves out to be a managing broker.

2 (Source: P.A. 101-357, eff. 8-9-19.)

3 (225 ILCS 454/20-20)

4 (Section scheduled to be repealed on January 1, 2030)

5 Sec. 20-20. Nature of and grounds for discipline.

6 (a) The Department may refuse to issue or renew a license,
7 may place on probation, suspend, or revoke any license,
8 reprimand, or take any other disciplinary or non-disciplinary
9 action as the Department may deem proper and impose a fine not
10 to exceed \$25,000 for each violation upon any licensee or
11 applicant under this Act or any person who holds oneself out as
12 an applicant or licensee or against a licensee in handling
13 one's own property, whether held by deed, option, or
14 otherwise, for any one or any combination of the following
15 causes:

16 (1) Fraud or misrepresentation in applying for, or
17 procuring, a license under this Act or in connection with
18 applying for renewal of a license under this Act.

19 (2) The licensee's conviction of or plea of guilty or
20 plea of nolo contendere, as set forth in subsection (e) of
21 Section 5-25, to: (A) a felony or misdemeanor in this
22 State or any other jurisdiction; (B) the entry of an
23 administrative sanction by a government agency in this
24 State or any other jurisdiction; or (C) any crime that
25 subjects the licensee to compliance with the requirements

1 of the Sex Offender Registration Act.

2 (3) Inability to practice the profession with
3 reasonable judgment, skill, or safety as a result of a
4 physical illness, mental illness, or disability.

5 (4) Practice under this Act as a licensee in a retail
6 sales establishment from an office, desk, or space that is
7 not separated from the main retail business and located
8 within a separate and distinct area within the
9 establishment.

10 (5) Having been disciplined by another state, the
11 District of Columbia, a territory, a foreign nation, or a
12 governmental agency authorized to impose discipline if at
13 least one of the grounds for that discipline is the same as
14 or the equivalent of one of the grounds for which a
15 licensee may be disciplined under this Act. A certified
16 copy of the record of the action by the other state or
17 jurisdiction shall be prima facie evidence thereof.

18 (6) Engaging in the practice of real estate brokerage
19 without a license or after the licensee's license or
20 temporary permit was expired or while the license was
21 inactive, revoked, or suspended.

22 (7) Cheating on or attempting to subvert the Real
23 Estate License Exam or a continuing education course or
24 examination.

25 (8) Aiding or abetting an applicant to subvert or
26 cheat on the Real Estate License Exam or continuing

1 education exam administered pursuant to this Act.

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

4 (10) Making any substantial misrepresentation or
5 untruthful advertising.

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

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

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

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

17 (15) Representing or attempting to represent, or
18 performing licensed activities for, a broker other than
19 the sponsoring broker.

20 (16) Failure to account for or to remit any moneys or
21 documents coming into the licensee's possession that
22 belong to others.

23 (17) Failure to maintain and deposit in a special
24 account, separate and apart from personal and other
25 business accounts, all escrow moneys belonging to others
26 entrusted to a licensee while acting as a broker, escrow

1 agent, or temporary custodian of the funds of others or
2 failure to maintain all escrow moneys on deposit in the
3 account until the transactions are consummated or
4 terminated, except to the extent that the moneys, or any
5 part thereof, shall be:

6 (A) disbursed prior to the consummation or
7 termination (i) in accordance with the written
8 direction of the principals to the transaction or
9 their duly authorized agents, (ii) in accordance with
10 directions providing for the release, payment, or
11 distribution of escrow moneys contained in any written
12 contract signed by the principals to the transaction
13 or their duly authorized agents, or (iii) pursuant to
14 an order of a court of competent jurisdiction; or

15 (B) deemed abandoned and transferred to the Office
16 of the State Treasurer to be handled as unclaimed
17 property pursuant to the Revised Uniform Unclaimed
18 Property Act. Escrow moneys may be deemed abandoned
19 under this subparagraph (B) only: (i) in the absence
20 of disbursement under subparagraph (A); (ii) in the
21 absence of notice of the filing of any claim in a court
22 of competent jurisdiction; and (iii) if 6 months have
23 elapsed after the receipt of a written demand for the
24 escrow moneys from one of the principals to the
25 transaction or the principal's duly authorized agent.

26 The account shall be noninterest bearing, unless the

1 character of the deposit is such that payment of interest
2 thereon is otherwise required by law or unless the
3 principals to the transaction specifically require, in
4 writing, that the deposit be placed in an interest-bearing
5 account.

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

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

14 (20) Failure of a sponsoring broker or licensee to
15 timely provide sponsorship or termination of sponsorship
16 information to the Department.

17 (21) Engaging in dishonorable, unethical, or
18 unprofessional conduct of a character likely to deceive,
19 defraud, or harm the public, including, but not limited
20 to, conduct set forth in rules adopted by the Department.

21 (22) Commingling the money or property of others with
22 the licensee's own money or property.

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

1 (24) Permitting the use of one's license as a broker
2 to enable a residential leasing agent or unlicensed person
3 to operate a real estate business without actual
4 participation therein and control thereof by the broker.

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

8 (26) Displaying a "for rent" or "for sale" sign on any
9 property without the written consent of an owner or the
10 owner's duly authorized agent or advertising by any means
11 that any property is for sale or for rent without the
12 written consent of the owner or the owner's authorized
13 agent.

14 (27) Failing to provide information requested by the
15 Department, or otherwise respond to that request, within
16 30 days of the request.

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

20 (29) A licensee under this Act or an unlicensed
21 individual offering guaranteed sales plans, as defined in
22 Section 10-50, except to the extent set forth in Section
23 10-50.

24 (30) Influencing or attempting to influence, by any
25 words or acts, a prospective seller, purchaser, occupant,
26 landlord, or tenant of real estate, in connection with

1 viewing, buying, or leasing real estate, so as to promote
2 or tend to promote the continuance or maintenance of
3 racially and religiously segregated housing or so as to
4 retard, obstruct, or discourage racially integrated
5 housing on or in any street, block, neighborhood, or
6 community.

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

11 (32) Inducing any party to a contract of sale or lease
12 or brokerage agreement to break the contract of sale or
13 lease or brokerage agreement for the purpose of
14 substituting, in lieu thereof, a new contract for sale or
15 lease or brokerage agreement with a third party.

16 (33) Negotiating a sale, exchange, or lease of real
17 estate directly with any person if the licensee knows that
18 the person has an exclusive brokerage agreement with
19 another broker, unless specifically authorized by that
20 broker.

21 (34) When a licensee is also an attorney, acting as
22 the attorney for either the buyer or the seller in the same
23 transaction in which the licensee is acting or has acted
24 as a managing broker or broker.

25 (35) Advertising or offering merchandise or services
26 as free if any conditions or obligations necessary for

1 receiving the merchandise or services are not disclosed in
2 the same advertisement or offer. These conditions or
3 obligations include without limitation the requirement
4 that the recipient attend a promotional activity or visit
5 a real estate site. As used in this subdivision (35),
6 "free" includes terms such as "award", "prize", "no
7 charge", "free of charge", "without charge", and similar
8 words or phrases that reasonably lead a person to believe
9 that one may receive or has been selected to receive
10 something of value, without any conditions or obligations
11 on the part of the recipient.

12 (36) (Blank).

13 (37) Violating the terms of any ~~a disciplinary~~ order
14 issued by the Department.

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

17 (39) Requiring a party to a transaction who is not a
18 client of the licensee to allow the licensee to retain a
19 portion of the escrow moneys for payment of the licensee's
20 commission or expenses as a condition for release of the
21 escrow moneys to that party.

22 (40) Disregarding or violating any provision of this
23 Act or the published rules adopted by the Department to
24 enforce this Act or aiding or abetting any individual,
25 foreign or domestic partnership, registered limited
26 liability partnership, limited liability company,

1 corporation, or other business entity in disregarding any
2 provision of this Act or the published rules adopted by
3 the Department to enforce this Act.

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

7 (42) Habitual or excessive use of or addiction to
8 alcohol, narcotics, stimulants, or any other chemical
9 agent or drug that results in a managing broker, broker,
10 or residential leasing agent's inability to practice with
11 reasonable skill or safety.

12 (43) Enabling, aiding, or abetting an auctioneer, as
13 defined in the Auction License Act, to conduct a real
14 estate auction in a manner that is in violation of this
15 Act.

16 (44) Permitting any residential leasing agent or
17 temporary residential leasing agent permit holder to
18 engage in activities that require a broker's or managing
19 broker's license.

20 (45) Failing to notify the Department, within 30 days
21 after the occurrence, of the information required in
22 subsection (e) of Section 5-25.

23 (46) A designated managing broker's failure to provide
24 an appropriate written company policy or failure to
25 perform any of the duties set forth in Section 10-55.

26 (47) Filing liens or recording written instruments in

1 any county in the State on noncommercial, residential real
2 property that relate to a broker's compensation for
3 licensed activity under the Act.

4 (b) The Department may refuse to issue or renew or may
5 suspend the license of any person who fails to file a return,
6 pay the tax, penalty or interest shown in a filed return, or
7 pay any final assessment of tax, penalty, or interest, as
8 required by any tax Act administered by the Department of
9 Revenue, until such time as the requirements of that tax Act
10 are satisfied in accordance with subsection (g) of Section
11 2105-15 of the Department of Professional Regulation Law of
12 the Civil Administrative Code of Illinois.

13 (c) (Blank).

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

26 (e) (Blank).

1 (Source: P.A. 101-81, eff. 7-12-19; 101-357, eff. 8-9-19;
2 102-970, eff. 5-27-22.)

3 (225 ILCS 454/20-20.1)

4 (Section scheduled to be repealed on January 1, 2030)

5 Sec. 20-20.1. Citations.

6 (a) The Department may adopt rules to permit the issuance
7 of citations to any licensee for failure to comply with the
8 continuing education and post-license education requirements
9 set forth in this Act or as adopted by rule. The citation shall
10 be issued to the licensee, and a copy shall be sent to the
11 licensee's designated managing broker and sponsoring broker.
12 The citation shall contain the licensee's name and address,
13 the licensee's license number, the number of required hours of
14 continuing education or post-license education that have not
15 been successfully completed by the licensee's renewal
16 deadline, and the penalty imposed, which shall not exceed
17 \$2,000. The issuance of any such citation shall not excuse the
18 licensee from completing all continuing education or
19 post-license education required for that term of licensure.

20 (b) Service of a citation shall be made by in person,
21 electronically, or by mail to the licensee at the licensee's
22 address of record or email address of record, and must clearly
23 state that if the cited licensee wishes to dispute the
24 citation, the cited licensee may make a written request,
25 within 30 days after the citation is served, for a hearing

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

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

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

25 (Source: P.A. 101-357, eff. 8-9-19; 102-970, eff. 5-27-22.)

1 (225 ILCS 454/20-21.1 new)

2 Sec. 20-21.1. Injunctions; cease and desist order.

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

17 (b) If, in the opinion of the Department, a person
18 violates a provision of this Act, the Department may issue a
19 ruling to show cause why an order to cease and desist should
20 not be entered against that person. The rule shall clearly set
21 forth the grounds relied upon by the Department and shall
22 allow at least 7 days from the date of the rule to file an
23 answer to the satisfaction of the Department. Failure to
24 answer to the satisfaction of the Department shall cause an
25 order to cease and desist to be issued immediately.

26 (c) Other than as provided in Section 5-20 of this Act, if

1 any person practices as a managing broker, broker, or
2 residential leasing agent or holds themselves out as a
3 licensed sponsoring broker, managing broker, broker, or
4 residential leasing agent under this Act without being issued
5 a valid active license by the Department, then any licensed
6 sponsoring broker, managing broker, broker, residential
7 leasing agent, any interested party, or any person injured
8 thereby may, in addition to the Secretary, petition for relief
9 as provided in subsection (a).

10 (225 ILCS 454/20-22)

11 (Section scheduled to be repealed on January 1, 2030)

12 Sec. 20-22. Violations. Any person who is found working or
13 acting as a managing broker, broker, or residential leasing
14 agent or holding oneself ~~himself or herself~~ out as a licensed
15 sponsoring broker, managing broker, broker, or residential
16 leasing agent without being issued a valid active license is
17 guilty of a Class A misdemeanor and, on conviction of a second
18 or subsequent offense, the violator shall be guilty of a Class
19 4 felony.

20 (Source: P.A. 101-357, eff. 8-9-19.)

21 (225 ILCS 454/20-23)

22 (Section scheduled to be repealed on January 1, 2030)

23 Sec. 20-23. Confidentiality. All information collected by
24 the Department in the course of an examination or

1 investigation of a licensee or applicant, including, but not
2 limited to, any complaint against a licensee, applicant, or
3 any person who holds oneself ~~himself or herself~~ out as a
4 licensee or applicant that is filed with the Department and
5 information collected to investigate any such complaint, shall
6 be maintained for the confidential use of the Department and
7 shall not be disclosed. The Department may not disclose the
8 information to anyone other than law enforcement officials,
9 regulatory agencies that have an appropriate regulatory
10 interest as determined by the Secretary, or a party presenting
11 a lawful subpoena to the Department. Information and documents
12 disclosed to a federal, State, county, or local law
13 enforcement agency shall not be disclosed by the agency for
14 any purpose to any other agency or person. A formal complaint
15 filed against a licensee by the Department or any order issued
16 by the Department against a licensee or applicant shall be a
17 public record, except as otherwise prohibited by law.

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

19 (225 ILCS 454/20-25)

20 (Section scheduled to be repealed on January 1, 2030)

21 Sec. 20-25. Returned checks and dishonored credit card
22 charges; fees. Any person who (1) delivers a check or other
23 payment to the Department that is returned to the Department
24 unpaid by the financial institution upon which it is drawn
25 shall pay to the Department; or (2) presents a credit or debit

1 card for payment that is invalid or expired or against which
2 charges by the Department are declined or dishonored, in
3 addition to the amount already owed to the Department, a fee of
4 \$50. The Department shall notify the person that payment of
5 fees and fines shall be paid to the Department by certified
6 check or money order within 30 calendar days of the
7 notification. If, after the expiration of 30 days from the
8 date of the notification, the person has failed to submit the
9 necessary remittance, the Department shall automatically
10 revoke the license or deny the application, without hearing.
11 If, after revocation or denial, the person seeks a license,
12 the person ~~he or she~~ shall apply to the Department for
13 restoration or issuance of the license and pay all fees and
14 fines due to the Department. The Department may establish a
15 fee for the processing of an application for restoration of a
16 license to pay all expenses of processing this application.
17 The Secretary may waive the fees due under this Section in
18 individual cases where the Secretary finds that the fees would
19 be unreasonable or unnecessarily burdensome.

20 (Source: P.A. 101-357, eff. 8-9-19.)

21 (225 ILCS 454/20-60)

22 (Section scheduled to be repealed on January 1, 2030)

23 Sec. 20-60. Investigations notice and hearing. The
24 Department may investigate the actions of any applicant or of
25 any person who is an applicant or person or persons rendering

1 or offering to render services for which a license is required
2 by this Act or any person holding or claiming to hold a license
3 under this Act and may notify the ~~his or her~~ designated
4 managing broker and sponsoring broker of the pending
5 investigation. The Department shall, before revoking,
6 suspending, placing on probation, reprimanding, or taking any
7 other disciplinary action under Article 20 of this Act, at
8 least 30 days before the date set for the hearing, (i) notify
9 the person charged ~~accused~~ and the ~~his or her~~ designated
10 managing broker and sponsoring broker in writing of the
11 charges made and the time and place for the hearing on the
12 charges and whether the licensee's license has been
13 temporarily suspended pursuant to Section 20-65, (ii) direct
14 the person ~~accused~~ to file a written answer to the charges with
15 the Board under oath within 20 days after ~~the service on him or~~
16 ~~her~~ of the notice, and (iii) inform the person ~~accused~~ that
17 failure if he or she fails to answer will result in a ~~7~~ default
18 ~~will be taken against him or her~~ or that the person's ~~his or~~
19 ~~her~~ license may be suspended, revoked, placed on probationary
20 status, or other disciplinary action taken with regard to the
21 license, including limiting the scope, nature, or extent of
22 the ability to ~~his or her~~ practice, as the Department may
23 consider proper. At the time and place fixed in the notice, the
24 Board shall proceed to hear the charges and the parties or
25 their counsel shall be accorded ample opportunity to present
26 any pertinent statements, testimony, evidence, and arguments.

1 The Board may continue the hearing from time to time. In case
2 the person, after receiving the notice, fails to file an
3 answer, the person's ~~his or her~~ license may, in the discretion
4 of the Department, be suspended, revoked, placed on
5 probationary status, or the Department may take whatever
6 disciplinary action considered proper, including limiting the
7 scope, nature, or extent of the person's practice or the
8 imposition of a fine, without a hearing, if the act or acts
9 charged constitute sufficient grounds for that action under
10 this Act. The notice may be served by ~~personal delivery, by~~
11 mail, or, at the discretion of the Department, by electronic
12 means as adopted by rule to the address or email address of
13 record ~~specified by the accused in his or her last~~
14 ~~notification with the Department~~ and shall include notice to
15 the designated managing broker and sponsoring broker. A copy
16 of the Department's final disciplinary order shall be
17 delivered to the designated managing broker and sponsoring
18 broker.

19 (Source: P.A. 100-188, eff. 1-1-18; 101-357, eff. 8-9-19.)

20 (225 ILCS 454/20-69)

21 (Section scheduled to be repealed on January 1, 2030)

22 Sec. 20-69. Restoration of a ~~suspended or revoked~~ license.
23 At any time after the successful completion of a term of
24 suspension, ~~or~~ revocation, or probation of a ~~an individual's~~
25 license, the Department may restore it to the licensee, upon

1 the written recommendation of the Board, unless after an
2 investigation and a hearing the Board determines that
3 restoration is not in the public interest.

4 (Source: P.A. 102-970, eff. 5-27-22.)

5 (225 ILCS 454/20-72)

6 (Section scheduled to be repealed on January 1, 2030)

7 Sec. 20-72. Secretary; rehearing. If the Secretary
8 believes that substantial justice has not been done in the
9 revocation or suspension of a license, with respect to refusal
10 to issue, restore, or renew a license, or any other discipline
11 of an applicant, licensee, or unlicensed person, then the
12 Secretary ~~he or she~~ may order a rehearing by the same or other
13 examiners.

14 (Source: P.A. 101-357, eff. 8-9-19.)

15 (225 ILCS 454/25-10)

16 (Section scheduled to be repealed on January 1, 2030)

17 Sec. 25-10. Real Estate Administration and Disciplinary
18 Board; duties. There is created the Real Estate Administration
19 and Disciplinary Board. The Board shall be composed of 15
20 persons appointed by the Governor. Members shall be appointed
21 to the Board subject to the following conditions:

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

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

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

7 None of these members shall be (i) a person who is licensed
8 under this Act or a similar Act of another jurisdiction, (ii)
9 the spouse or immediate family member of a licensee, or (iii) a
10 person who has an ownership interest in a real estate
11 brokerage business.

12 The members' terms shall be for 4 years and until a
13 successor is appointed. No member shall be reappointed to the
14 Board for a term that would cause the member's cumulative
15 service to the Board to exceed 12 ~~10~~ years. Appointments to
16 fill vacancies shall be for the unexpired portion of the term.
17 Those members of the Board that satisfy the requirements of
18 paragraph (2) shall be chosen in a manner such that no area of
19 the State shall be unreasonably represented. In making the
20 appointments, the Governor shall give due consideration to the
21 recommendations by members and organizations of the
22 profession. The Governor may terminate the appointment of any
23 member for cause that in the opinion of the Governor
24 reasonably justifies the termination. Cause for termination
25 shall include without limitation misconduct, incapacity,
26 neglect of duty, or missing 4 board meetings during any one

1 fiscal year. Each member of the Board may receive a per diem
2 stipend in an amount to be determined by the Secretary. While
3 engaged in the performance of duties, each member shall be
4 reimbursed for necessary expenses. Such compensation and
5 expenses shall be paid out of the Real Estate License
6 Administration Fund. The Secretary shall consider the
7 recommendations of the Board on questions involving standards
8 of professional conduct, discipline, education, and policies
9 and procedures under this Act. With regard to this subject
10 matter, the Secretary may establish temporary or permanent
11 committees of the Board and may consider the recommendations
12 of the Board on matters that include, but are not limited to,
13 criteria for the licensing and renewal of education providers,
14 pre-license and continuing education instructors, pre-license
15 and continuing education curricula, standards of educational
16 criteria, and qualifications for licensure and renewal of
17 professions, courses, and instructors. The Department, after
18 notifying and considering the recommendations of the Board, if
19 any, may issue rules, consistent with the provisions of this
20 Act, for the administration and enforcement thereof and may
21 prescribe forms that shall be used in connection therewith.
22 Eight Board members shall constitute a quorum. A quorum is
23 required for all Board decisions. A vacancy in the membership
24 of the Board shall not impair the right of a quorum to exercise
25 all of the rights and perform all of the duties of the Board.

26 The Board shall elect annually, at its first meeting of

1 the fiscal year, a vice chairperson who shall preside, with
2 voting privileges, at meetings when the chairperson is not
3 present. Members of the Board shall be immune from suit in an
4 action based upon any disciplinary proceedings or other acts
5 performed in good faith as members of the Board.

6 (Source: P.A. 102-970, eff. 5-27-22.)

7 (225 ILCS 454/25-25)

8 (Section scheduled to be repealed on January 1, 2030)

9 Sec. 25-25. Real Estate Research and Education Fund. A
10 special fund to be known as the Real Estate Research and
11 Education Fund is created and shall be held in trust in the
12 State Treasury. Annually, on September 15th, the State
13 Treasurer shall cause a transfer of \$125,000 to the Real
14 Estate Research and Education Fund from the Real Estate
15 License Administration Fund. The Real Estate Research and
16 Education Fund shall be administered by the Department. Money
17 deposited in the Real Estate Research and Education Fund may
18 be used for research and for education at state institutions
19 of higher education or other organizations for research and
20 for education to further the advancement of education in the
21 real estate industry or can be used by the Department for
22 expenses related to the education of licensees. Of the
23 \$125,000 annually transferred into the Real Estate Research
24 and Education Fund, \$15,000 shall be used to fund a
25 scholarship program for persons of minority racial origin who

1 wish to pursue a course of study in the field of real estate.
2 For the purposes of this Section, "course of study" means a
3 course or courses that are part of a program of courses in the
4 field of real estate designed to further an individual's
5 knowledge or expertise in the field of real estate. These
6 courses shall include, without limitation, courses that a
7 broker licensed under this Act must complete to qualify for a
8 managing broker's license, courses required to obtain the
9 Graduate Realtors Institute designation, and any other courses
10 or programs offered by accredited colleges, universities, or
11 other institutions of higher education in Illinois. The
12 scholarship program shall be administered by the Department or
13 its designee. Moneys in the Real Estate Research and Education
14 Fund may be invested and reinvested in the same manner as funds
15 in the Real Estate Recovery Fund and all earnings, interest,
16 and dividends received from such investments shall be
17 deposited in the Real Estate Research and Education Fund and
18 may be used for the same purposes as moneys transferred to the
19 Real Estate Research and Education Fund. Moneys in the Real
20 Estate Research and Education Fund may be transferred to the
21 Professions Indirect Cost Fund as authorized under Section
22 2105-300 of the Department of Professional Regulation Law of
23 the Civil Administrative Code of Illinois.

24 (Source: P.A. 101-357, eff. 8-9-19.)

25 (225 ILCS 454/25-21 rep.)

1 Section 25. The Real Estate License Act of 2000 is amended
2 by repealing Section 25-21.

3 Section 30. The Real Estate Appraiser Licensing Act of
4 2002 is amended by changing Sections 1-10, 5-25, 10-5, 10-10,
5 15-10, 15-15, and 25-10 as follows:

6 (225 ILCS 458/1-10)

7 (Section scheduled to be repealed on January 1, 2027)

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

10 "Accredited college or university, junior college, or
11 community college" means a college or university, junior
12 college, or community college that is approved or accredited
13 by the Board of Higher Education, a regional or national
14 accreditation association, or by an accrediting agency that is
15 recognized by the U.S. Secretary of Education.

16 "Address of record" means the designated street address,
17 which may not be a post office box, recorded by the Department
18 in the applicant's or licensee's application file or license
19 file as maintained by the Department.

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

22 "Appraisal" means (noun) the act or process of developing
23 an opinion of value; an opinion of value (adjective) of or
24 pertaining to appraising and related functions, such as

1 appraisal practice or appraisal services.

2 "Appraisal assignment" means a valuation service provided
3 pursuant to an agreement between an appraiser and a client.

4 "Appraisal firm" means an appraisal entity that is 100%
5 owned and controlled by a person or persons licensed in
6 Illinois as a certified general real estate appraiser or a
7 certified residential real estate appraiser. "Appraisal firm"
8 does not include an appraisal management company.

9 "Appraisal management company" means any corporation,
10 limited liability company, partnership, sole proprietorship,
11 subsidiary, unit, or other business entity that directly or
12 indirectly: (1) provides appraisal management services to
13 creditors or secondary mortgage market participants, including
14 affiliates; (2) provides appraisal management services in
15 connection with valuing the consumer's principal dwelling as
16 security for a consumer credit transaction (including consumer
17 credit transactions incorporated into securitizations); and
18 (3) any appraisal management company that, within a given
19 12-month period, oversees an appraiser panel of 16 or more
20 State-certified appraisers in Illinois or 25 or more
21 State-certified or State-licensed appraisers in 2 or more
22 jurisdictions. "Appraisal management company" includes a
23 hybrid entity.

24 "Appraisal practice" means valuation services performed by
25 an individual acting as an appraiser, including, but not
26 limited to, appraisal or appraisal review.

1 "Appraisal report" means any communication, written or
2 oral, of an appraisal or appraisal review that is transmitted
3 to a client upon completion of an assignment.

4 "Appraisal review" means the act or process of developing
5 and communicating an opinion about the quality of another
6 appraiser's work that was performed as part of an appraisal,
7 appraisal review, or appraisal assignment.

8 "Appraisal Subcommittee" means the Appraisal Subcommittee
9 of the Federal Financial Institutions Examination Council as
10 established by Title XI.

11 "Appraiser" means a person who performs real estate or
12 real property appraisals competently and in a manner that is
13 independent, impartial, and objective.

14 "Appraiser panel" means a network, list, or roster of
15 licensed or certified appraisers approved by the appraisal
16 management company or by the end-user client to perform
17 appraisals as independent contractors for the appraisal
18 management company. "Appraiser panel" includes both appraisers
19 accepted by an appraisal management company for consideration
20 for future appraisal assignments and appraisers engaged by an
21 appraisal management company to perform one or more
22 appraisals. For the purposes of determining the size of an
23 appraiser panel, only independent contractors of hybrid
24 entities shall be counted towards the appraiser panel.

25 "Appraisal Qualification Board (AQB)" means the
26 independent board of the Appraisal Foundation, which, under

1 the provisions of Title XI of the federal Financial
2 Institutions Reform, Recovery and Enforcement Act of 1989,
3 establishes the minimum education, experience, and examination
4 requirements for real property appraisers to obtain a state
5 certification or license.

6 ~~"AOB" means the Appraisal Qualifications Board of the~~
7 ~~Appraisal Foundation.~~

8 "Associate real estate trainee appraiser" means an
9 entry-level appraiser who holds a license of this
10 classification under this Act with restrictions as to the
11 scope of practice in accordance with this Act.

12 "Automated valuation model" means an automated system that
13 is used to derive a property value through the use of available
14 property records and various analytic methodologies such as
15 comparable sales prices, home characteristics, and price
16 changes.

17 "Board" means the Real Estate Appraisal Administration and
18 Disciplinary Board.

19 "Broker price opinion" means an estimate or analysis of
20 the probable selling price of a particular interest in real
21 estate, which may provide a varying level of detail about the
22 property's condition, market, and neighborhood and information
23 on comparable sales. The activities of a real estate broker or
24 managing broker engaging in the ordinary course of business as
25 a broker, as defined in this Section, shall not be considered a
26 broker price opinion if no compensation is paid to the broker

1 or managing broker, other than compensation based upon the
2 sale or rental of real estate.

3 "Classroom hour" means 50 minutes of instruction out of
4 each 60-minute segment of coursework.

5 "Client" means the party or parties who engage an
6 appraiser by employment or contract in a specific appraisal
7 assignment.

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

21 "Coordinator" means the Real Estate Appraisal Coordinator
22 created in Section 25-15.

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

25 "Email address of record" means the designated email
26 address recorded by the Department in the applicant's

1 application file or the licensee's license file maintained by
2 the Department.

3 "Evaluation" means a valuation permitted by the appraisal
4 regulations of the Federal Financial Institutions Examination
5 Council and its federal agencies for transactions that qualify
6 for the appraisal threshold exemption, business loan
7 exemption, or subsequent transaction exemption.

8 "Federal financial institutions regulatory agencies" means
9 the Board of Governors of the Federal Reserve System, the
10 Federal Deposit Insurance Corporation, the Office of the
11 Comptroller of the Currency, the Consumer Financial Protection
12 Bureau, and the National Credit Union Administration.

13 "Federally related transaction" means any real
14 estate-related financial transaction in which a federal
15 financial institutions regulatory agency engages in, contracts
16 for, or regulates and requires the services of an appraiser.

17 "Financial institution" means any bank, savings bank,
18 savings and loan association, credit union, mortgage broker,
19 mortgage banker, licensee under the Consumer Installment Loan
20 Act or the Sales Finance Agency Act, or a corporate fiduciary,
21 subsidiary, affiliate, parent company, or holding company of
22 any such licensee, or any institution involved in real estate
23 financing that is regulated by state or federal law.

24 "Hybrid entity" means an appraisal management company that
25 hires an appraiser as an employee to perform an appraisal and
26 engages an independent contractor to perform an appraisal.

1 "License" means the privilege conferred by the Department
2 to a person that has fulfilled all requirements prerequisite
3 to any type of licensure under this Act.

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

5 "Multi-state licensing system" means a web-based platform
6 that allows an applicant to submit the application or license
7 renewal application to the Department online.

8 "Person" means an individual, entity, sole proprietorship,
9 corporation, limited liability company, partnership, and joint
10 venture, foreign or domestic, except that when the context
11 otherwise requires, the term may refer to more than one
12 individual or other described entity.

13 "Real estate" means an identified parcel or tract of land,
14 including any improvements.

15 "Real estate related financial transaction" means any
16 transaction involving:

17 (1) the sale, lease, purchase, investment in, or
18 exchange of real property, including interests in property
19 or the financing thereof;

20 (2) the refinancing of real property or interests in
21 real property; and

22 (3) the use of real property or interest in property
23 as security for a loan or investment, including mortgage
24 backed securities.

25 "Real property" means the interests, benefits, and rights
26 inherent in the ownership of real estate.

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

3 "State certified general real estate appraiser" means an
4 appraiser who holds a license of this classification under
5 this Act and such classification applies to the appraisal of
6 all types of real property without restrictions as to the
7 scope of practice.

8 "State certified residential real estate appraiser" means
9 an appraiser who holds a license of this classification under
10 this Act and such classification applies to the appraisal of
11 one to 4 units of residential real property without regard to
12 transaction value or complexity, but with restrictions as to
13 the scope of practice in a federally related transaction in
14 accordance with Title XI, the provisions of USPAP, criteria
15 established by the AQB, and further defined by rule.

16 "Supervising appraiser" means either (i) an appraiser who
17 holds a valid license under this Act as either a State
18 certified general real estate appraiser or a State certified
19 residential real estate appraiser, who co-signs an appraisal
20 report for an associate real estate trainee appraiser or (ii)
21 a State certified general real estate appraiser who holds a
22 valid license under this Act who co-signs an appraisal report
23 for a State certified residential real estate appraiser on
24 properties other than one to 4 units of residential real
25 property without regard to transaction value or complexity.

26 "Title XI" means Title XI of the federal Financial

1 Institutions Reform, Recovery, and Enforcement Act of 1989.

2 "USPAP" means the Uniform Standards of Professional
3 Appraisal Practice as promulgated by the Appraisal Standards
4 Board pursuant to Title XI and by rule.

5 "Valuation services" means services pertaining to aspects
6 of property value.

7 (Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21;
8 102-970, eff. 5-27-22.)

9 (225 ILCS 458/5-25)

10 (Section scheduled to be repealed on January 1, 2027)

11 Sec. 5-25. Renewal of license.

12 (a) The expiration date and renewal period for a State
13 certified general real estate appraiser license or a State
14 certified residential real estate appraiser license issued
15 under this Act shall be set by rule. Except as otherwise
16 provided in subsections (b) and (f) of this Section, the
17 holder of a license may renew the license within 90 days
18 preceding the expiration date by:

19 (1) completing and submitting to the Department, or
20 through a multi-state licensing system as designated by
21 the Secretary, a renewal application form as provided by
22 the Department;

23 (2) paying the required fees; and

24 (3) providing evidence to the Department, or through a
25 multi-state licensing system as designated by the

1 Secretary, of successful completion of the continuing
2 education requirements through courses approved by the
3 Department from education providers licensed by the
4 Department, as established by the AQB and by rule.

5 (b) A State certified general real estate appraiser or
6 State certified residential real estate appraiser whose
7 license under this Act has expired may renew the license for a
8 period of 2 years following the expiration date by complying
9 with the requirements of paragraphs (1), (2), and (3) of
10 subsection (a) of this Section and paying any late penalties
11 established by rule.

12 (c) (Blank).

13 (d) The expiration date and renewal period for an
14 associate real estate trainee appraiser license issued under
15 this Act shall be set by rule. Except as otherwise provided in
16 subsections (e) and (f) of this Section, the holder of an
17 associate real estate trainee appraiser license may renew the
18 license within 90 days preceding the expiration date by:

19 (1) completing and submitting to the Department, or
20 through a multi-state licensing system as designated by
21 the Secretary, a renewal application form as provided by
22 the Department;

23 (2) paying the required fees; and

24 (3) providing evidence to the Department, or through a
25 multi-state licensing system as designated by the
26 Secretary, of successful completion of the continuing

1 education requirements through courses approved by the
2 Department from education providers approved by the
3 Department, as established by rule.

4 (e) Any associate real estate trainee appraiser whose
5 license under this Act has expired may renew the license for a
6 period of 2 years following the expiration date by complying
7 with the requirements of paragraphs (1), (2), and (3) of
8 subsection (d) of this Section and paying any late penalties
9 as established by rule.

10 (f) Notwithstanding subsections (c) and (e), an appraiser
11 whose license under this Act has expired may renew or convert
12 the license without paying any lapsed renewal fees or late
13 penalties if the license expired while the appraiser was:

14 (1) on active duty with the United States Armed
15 Services;

16 (2) serving as the Coordinator or an employee of the
17 Department who was required to surrender the license
18 during the term of employment.

19 Application for renewal must be made within 2 years
20 following the termination of the military service or related
21 education, training, or employment and shall include an
22 affidavit from the licensee of engagement.

23 (g) The Department shall provide reasonable care and due
24 diligence to ensure that each licensee under this Act is
25 provided with a renewal application at least 90 days prior to
26 the expiration date, but timely renewal or conversion of the

1 license prior to its expiration date is the responsibility of
2 the licensee.

3 (h) The Department shall not issue or renew a license if
4 the applicant or licensee has an unpaid fine or fee from a
5 disciplinary matter or from a non-disciplinary action imposed
6 by the Department until the fine or fee is paid to the
7 Department or the applicant or licensee has entered into a
8 payment plan and is current on the required payments.

9 (i) The Department shall not issue or renew a license if
10 the applicant or licensee has an unpaid fine or civil penalty
11 imposed by the Department for unlicensed practice until the
12 fine or civil penalty is paid to the Department or the
13 applicant or licensee has entered into a payment plan and is
14 current on the required payments.

15 (Source: P.A. 101-81, eff. 7-12-19; 102-20, eff. 1-1-22;
16 102-970, eff. 5-27-22.)

17 (225 ILCS 458/10-5)

18 (Section scheduled to be repealed on January 1, 2027)

19 Sec. 10-5. Scope of practice.

20 (a) This Act does not limit a State certified general real
21 estate appraiser's scope of practice in a federally related
22 transaction. A State certified general real estate appraiser
23 may independently provide appraisal services, review, or
24 consult related to any type of property for which there is
25 related experience or competency by the appraiser. All such

1 appraisal practice must be made in accordance with the
2 provisions of USPAP, criteria established by the AQB, and
3 rules adopted pursuant to this Act.

4 (b) A State certified residential real estate appraiser is
5 limited in scope of practice to the provisions of USPAP,
6 criteria established by the AQB, and the rules adopted
7 pursuant to this Act.

8 (c) A State certified residential real estate appraiser
9 must have a State certified general real estate appraiser who
10 holds a valid license under this Act co-sign all appraisal
11 reports on properties other than one to 4 units of residential
12 real property without regard to transaction value or
13 complexity.

14 (d) An associate real estate trainee appraiser is limited
15 in scope of practice in all transactions or appraisal reports
16 in accordance with the provisions of USPAP, this Act, and the
17 rules adopted pursuant to this Act. ~~In addition, an associate~~
18 ~~real estate trainee appraiser shall be required to have a~~
19 ~~State certified general real estate appraiser or State~~
20 ~~certified residential real estate appraiser who holds a valid~~
21 ~~license under this Act to co sign all appraisal reports. A~~
22 ~~supervising appraiser may not supervise more than 3 associate~~
23 ~~real estate trainee appraisers at one time. Associate real~~
24 ~~estate trainee appraisers shall not be limited in the number~~
25 ~~of concurrent supervising appraisers. A chronological~~
26 ~~appraisal log on an approved log form shall be maintained by~~

1 ~~the associate real estate trainee appraiser and shall be made~~
2 ~~available to the Department upon request.~~

3 (Source: P.A. 102-20, eff. 1-1-22.)

4 (225 ILCS 458/10-10)

5 (Section scheduled to be repealed on January 1, 2027)

6 Sec. 10-10. Standards of practice. All persons licensed
7 under this Act must comply with standards of professional
8 appraisal practice adopted by the Department. The Department
9 must adopt, as part of its rules, the Uniform Standards of
10 Professional Appraisal Practice (USPAP) as published from time
11 to time by the Appraisal Standards Board of the Appraisal
12 Foundation. The Department shall consider federal laws and
13 regulations, including, but not limited to, AQB policies and
14 guidelines, regarding the licensure of real estate appraisers
15 prior to adopting its rules for the administration of this
16 Act. When an appraisal obtained through an appraisal
17 management company is used for loan purposes, the borrower or
18 loan applicant shall be provided with a written disclosure of
19 the total compensation to the appraiser or appraisal firm
20 within the body of the appraisal report and it shall not be
21 redacted or otherwise obscured.

22 (Source: P.A. 102-20, eff. 1-1-22.)

23 (225 ILCS 458/15-10)

24 (Section scheduled to be repealed on January 1, 2027)

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

2 (a) The Department may suspend, revoke, refuse to issue,
3 renew, or restore a license and may reprimand place on
4 probation or administrative supervision, or take any
5 disciplinary or non-disciplinary action, including imposing
6 conditions limiting the scope, nature, or extent of the real
7 estate appraisal practice of a licensee or reducing the
8 appraisal rank of a licensee, and may impose an administrative
9 fine not to exceed \$25,000 for each violation upon a licensee
10 or applicant under this Act or any person who holds oneself out
11 as an applicant or licensee for any one or combination of the
12 following:

13 (1) Procuring or attempting to procure a license by
14 knowingly making a false statement, submitting false
15 information, engaging in any form of fraud or
16 misrepresentation, or refusing to provide complete
17 information in response to a question in an application
18 for licensure.

19 (2) Failing to meet the minimum qualifications for
20 licensure as an appraiser established by this Act.

21 (3) Paying money, other than for the fees provided for
22 by this Act, or anything of value to a member or employee
23 of the Board or the Department to procure licensure under
24 this Act.

25 (4) Conviction of, or plea of guilty or nolo
26 contendere, as enumerated in subsection (e) of Section

1 5-22, under the laws of any jurisdiction of the United
2 States: (i) that is a felony, misdemeanor, or
3 administrative sanction or (ii) that is a crime that
4 subjects the licensee to compliance with the requirements
5 of the Sex Offender Registration Act.

6 (5) Committing an act or omission involving
7 dishonesty, fraud, or misrepresentation with the intent to
8 substantially benefit the licensee or another person or
9 with intent to substantially injure another person as
10 defined by rule.

11 (6) Violating a provision or standard for the
12 development or communication of real estate appraisals as
13 provided in Section 10-10 of this Act or as defined by
14 rule.

15 (7) Failing or refusing without good cause to exercise
16 reasonable diligence in developing, reporting, or
17 communicating an appraisal, as defined by this Act or by
18 rule.

19 (8) Violating a provision of this Act or the rules
20 adopted pursuant to this Act.

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

1 Act.

2 (10) Engaging in dishonorable, unethical, or
3 unprofessional conduct of a character likely to deceive,
4 defraud, or harm the public.

5 (11) Accepting an appraisal assignment when the
6 employment itself is contingent upon the appraiser
7 reporting a predetermined estimate, analysis, or opinion
8 or when the fee to be paid is contingent upon the opinion,
9 conclusion, or valuation reached or upon the consequences
10 resulting from the appraisal assignment.

11 (12) Developing valuation conclusions based on the
12 race, color, religion, sex, national origin, ancestry,
13 age, marital status, family status, physical or mental
14 disability, sexual orientation, pregnancy, order of
15 protection status, military status, ~~or~~ unfavorable
16 military discharge, source of income, or any other
17 protected class as defined under the Illinois Human Rights
18 Act, of the prospective or present owners or occupants of
19 the area or property under appraisal.

20 (13) Violating the confidential nature of government
21 records to which the licensee gained access through
22 employment or engagement as an appraiser by a government
23 agency.

24 (14) Being adjudicated liable in a civil proceeding on
25 grounds of fraud, misrepresentation, or deceit. In a
26 disciplinary proceeding based upon a finding of civil

1 liability, the appraiser shall be afforded an opportunity
2 to present mitigating and extenuating circumstances, but
3 may not collaterally attack the civil adjudication.

4 (15) Being adjudicated liable in a civil proceeding
5 for violation of a state or federal fair housing law.

6 (16) Engaging in misleading or untruthful advertising
7 or using a trade name or insignia of membership in a real
8 estate appraisal or real estate organization of which the
9 licensee is not a member.

10 (17) 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 (18) Failing to include within the certificate of
17 appraisal for all written appraisal reports the
18 appraiser's license number and licensure title. All
19 appraisers providing significant contribution to the
20 development and reporting of an appraisal must be
21 disclosed in the appraisal report. It is a violation of
22 this Act for an appraiser to sign a report, transmittal
23 letter, or appraisal certification knowing that a person
24 providing a significant contribution to the report has not
25 been disclosed in the appraisal report.

26 (19) Violating the terms of a disciplinary order or

1 consent to administrative supervision order.

2 (20) Habitual or excessive use or addiction to
3 alcohol, narcotics, stimulants, or any other chemical
4 agent or drug that results in a licensee's inability to
5 practice with reasonable judgment, skill, or safety.

6 (21) A physical or mental illness or disability which
7 results in the inability to practice under this Act with
8 reasonable judgment, skill, or safety.

9 (22) Gross negligence in developing an appraisal or in
10 communicating an appraisal or failing to observe one or
11 more of the Uniform Standards of Professional Appraisal
12 Practice.

13 (23) A pattern of practice or other behavior that
14 demonstrates incapacity or incompetence to practice under
15 this Act.

16 (24) Using or attempting to use the seal, certificate,
17 or license of another as one's own; falsely impersonating
18 any duly licensed appraiser; using or attempting to use an
19 inactive, expired, suspended, or revoked license; or
20 aiding or abetting any of the foregoing.

21 (25) Solicitation of professional services by using
22 false, misleading, or deceptive advertising.

23 (26) Making a material misstatement in furnishing
24 information to the Department.

25 (27) Failure to furnish information to the Department
26 upon written request.

1 (b) The Department may reprimand suspend, revoke, or
2 refuse to issue or renew an education provider's license, may
3 reprimand, place on probation, or otherwise discipline an
4 education provider and may suspend or revoke the course
5 approval of any course offered by an education provider and
6 may impose an administrative fine not to exceed \$25,000 upon
7 an education provider, for any of the following:

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

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

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

20 (4) Engaging in misleading or untruthful advertising.

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

23 (6) Failing to meet the topic or time requirements for
24 course approval as the provider of a qualifying curriculum
25 course or a continuing education course.

26 (7) Failing to administer an approved course using the

1 course materials, syllabus, and examinations submitted as
2 the basis of the course approval.

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

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

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

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

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

1 not be released by the Department except as mandated by law. A
2 ~~complainant shall be notified if the complaint has been~~
3 ~~resolved by a Consent to Administrative Supervision order.~~

4 (Source: P.A. 102-20, eff. 1-1-22.)

5 (225 ILCS 458/15-15)

6 (Section scheduled to be repealed on January 1, 2027)

7 Sec. 15-15. Investigation; notice; hearing.

8 (a) Upon the motion of the Department or the Board or upon
9 a complaint in writing of a person setting forth facts that, if
10 proven, would constitute grounds for suspension, revocation,
11 or other disciplinary action, the Department shall investigate
12 the actions or qualifications of any person who is ~~against~~ a
13 licensee, ~~or~~ applicant for licensure, unlicensed person,
14 person rendering or offering to render appraisal services, or
15 holding or claiming to hold a license under this Act ~~the~~
16 ~~Department shall investigate the actions of the licensee or~~
17 ~~applicant.~~ If, upon investigation, the Department believes
18 that there may be cause for suspension, revocation, or other
19 disciplinary action, the Department shall use the services of
20 a State certified general real estate appraiser, a State
21 certified residential real estate appraiser, or the
22 Coordinator to assist in determining whether grounds for
23 disciplinary action exist prior to commencing formal
24 disciplinary proceedings.

25 (b) Formal disciplinary proceedings shall commence upon

1 the issuance of a written complaint describing the charges
2 that are the basis of the disciplinary action and delivery of
3 the detailed complaint to the address of record of the person
4 charged ~~licensee or applicant~~. For an associate real estate
5 trainee appraiser, a copy shall also be sent to the licensee's
6 supervising appraiser of record. The Department shall notify
7 the person ~~licensee or applicant~~ to file a verified written
8 answer within 20 days after the service of the notice and
9 complaint. The notification shall inform the person ~~licensee~~
10 ~~or applicant~~ of the right to be heard in person or by legal
11 counsel; that the hearing will be afforded not sooner than 20
12 days after service of the complaint; that failure to file an
13 answer will result in a default being entered against the
14 person ~~licensee or applicant~~; that the license may be
15 suspended, revoked, or placed on probationary status; and that
16 other disciplinary action may be taken pursuant to this Act,
17 including limiting the scope, nature, or extent of the
18 licensee's practice. If the person ~~licensee or applicant~~ fails
19 to file an answer after service of notice, the respective
20 license may, at the discretion of the Department, be
21 suspended, revoked, or placed on probationary status and the
22 Department may take whatever disciplinary action it deems
23 proper, including limiting the scope, nature, or extent of the
24 person's practice, without a hearing.

25 (c) At the time and place fixed in the notice, the Board
26 shall conduct hearing of the charges, providing both the

1 ~~accused~~ person charged and the complainant ample opportunity
2 to present in person or by counsel such statements, testimony,
3 evidence, and argument as may be pertinent to the charges or to
4 a defense thereto.

5 (d) The Board shall present to the Secretary a written
6 report of its findings of fact and recommendations. A copy of
7 the report shall be served upon the person ~~licensee or~~
8 ~~applicant~~, either ~~personally~~, by mail, or, at the discretion
9 of the Department, by electronic means. For associate real
10 estate trainee appraisers, a copy shall also be sent to the
11 licensee's supervising appraiser of record. Within 20 days
12 after the service, the person ~~licensee or applicant~~ may
13 present the Secretary with a motion in writing for a rehearing
14 and shall specify the particular grounds for the request. If
15 the person ~~accused~~ orders a transcript of the record as
16 provided in this Act, the time elapsing thereafter and before
17 the transcript is ready for delivery to the person ~~accused~~
18 shall not be counted as part of the 20 days. If the Secretary
19 is not satisfied that substantial justice has been done, the
20 Secretary may order a rehearing by the Board or other special
21 committee appointed by the Secretary, may remand the matter to
22 the Board for its reconsideration of the matter based on the
23 pleadings and evidence presented to the Board, or may enter a
24 final order in contravention of the Board's recommendation.
25 Notwithstanding a person's ~~licensee's or applicant's~~ failure
26 to file a motion for rehearing, the Secretary shall have the

1 right to take any of the actions specified in this subsection
2 (d). Upon the suspension or revocation of a license, the
3 licensee shall be required to surrender the respective license
4 to the Department, and upon failure or refusal to do so, the
5 Department shall have the right to seize the license.

6 (e) The Department has the power to issue subpoenas and
7 subpoenas duces tecum to bring before it any person in this
8 State, to take testimony, or to require production of any
9 records relevant to an inquiry or hearing by the Board in the
10 same manner as prescribed by law in judicial proceedings in
11 the courts of this State. In a case of refusal of a witness to
12 attend, testify, or to produce books or papers concerning a
13 matter upon which the witness might be lawfully examined, the
14 circuit court of the county where the hearing is held, upon
15 application of the Department or any party to the proceeding,
16 may compel obedience by proceedings as for contempt.

17 (f) Any license that is revoked may not be restored for a
18 minimum period of 3 years.

19 (g) In addition to the provisions of this Section
20 concerning the conduct of hearings and the recommendations for
21 discipline, the Department has the authority to negotiate
22 disciplinary and non-disciplinary settlement agreements
23 concerning any license issued under this Act. All such
24 agreements shall be recorded as Consent Orders or Consent to
25 Administrative Supervision Orders.

26 (h) The Secretary shall have the authority to appoint an

1 attorney duly licensed to practice law in the State of
2 Illinois to serve as the hearing officer in any action to
3 suspend, revoke, or otherwise discipline any license issued by
4 the Department. The Hearing Officer shall have full authority
5 to conduct the hearing.

6 (i) The Department, at its expense, shall preserve a
7 record of all formal hearings of any contested case involving
8 the discipline of a license. At all hearings or pre-hearing
9 conferences, the Department and the licensee shall be entitled
10 to have the proceedings transcribed by a certified shorthand
11 reporter. A copy of the transcribed proceedings shall be made
12 available to the licensee by the certified shorthand reporter
13 upon payment of the prevailing contract copy rate.

14 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

15 (225 ILCS 458/25-10)

16 (Section scheduled to be repealed on January 1, 2027)

17 Sec. 25-10. Real Estate Appraisal Administration and
18 Disciplinary Board; appointment.

19 (a) There is hereby created the Real Estate Appraisal
20 Administration and Disciplinary Board. The Board shall be
21 composed of the Coordinator and 10 persons appointed by the
22 Governor. Members shall be appointed to the Board subject to
23 the following conditions:

24 (1) All appointed members shall have been residents
25 and citizens of this State for at least 5 years prior to

1 the date of appointment.

2 (2) The appointed membership of the Board should
3 reasonably reflect the geographic distribution of the
4 population of the State.

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

9 (4) Three appointed members shall have been actively
10 engaged and currently licensed as State certified
11 residential real estate appraisers for a period of not
12 less than 5 years.

13 (5) One appointed member shall hold a valid license as
14 a real estate broker for at least 3 years prior to the date
15 of the appointment and shall hold either a valid State
16 certified general real estate appraiser license or a valid
17 State certified residential appraiser license issued under
18 this Act or a predecessor Act for a period of at least 5
19 years prior to the appointment.

20 (6) One appointed member shall be a representative of
21 a financial institution, as evidenced by proof of
22 employment with a financial institution.

23 (7) One appointed member shall represent the interests
24 of the general public. This member or the member's spouse
25 shall not be licensed under this Act nor be employed by or
26 have any financial interest in an appraisal business,

1 appraisal management company, real estate brokerage
2 business, or a financial institution.

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

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

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

15 (b) The members' terms shall be for 4 years or until a
16 successor is appointed. No member shall be reappointed to the
17 Board for a term that would cause the member's cumulative
18 service to the Board to exceed 12 ~~10~~ years. Appointments to
19 fill vacancies shall be for the unexpired portion of the term.

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

25 (d) A majority of the Board members shall constitute a
26 quorum. A vacancy in the membership of the Board shall not

1 impair the right of a quorum to exercise all of the rights and
2 perform all of the duties of the Board.

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

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

13 (g) The Coordinator shall serve as a member of the Board
14 without vote.

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

1 within a reasonable amount of time, then the Department may
2 render a decision.

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

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

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

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

1 stipend in an amount to be determined by the Secretary. While
2 engaged in the performance of duties, each member shall be
3 reimbursed for necessary expenses.

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

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

11 (o) (Blank).

12 (Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22.)

13 Section 35. The Appraisal Management Company Registration
14 Act is amended by changing Sections 65, 75, and 95 as follows:

15 (225 ILCS 459/65)

16 Sec. 65. Disciplinary actions.

17 (a) The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary or non-disciplinary action as the Department may
20 deem appropriate, including imposing fines not to exceed
21 \$25,000 for each violation upon any registrant or applicant
22 under this Act or entity who holds oneself or itself out as an
23 applicant or registrant ~~, with regard to any registration~~ for
24 any one or combination of the following:

1 (1) Material misstatement in furnishing information to
2 the Department.

3 (2) Violations of this Act, or of the rules adopted
4 under this Act.

5 (3) Conviction of, or entry of a plea of guilty or nolo
6 contendere to any crime that is a felony under the laws of
7 the United States or any state or territory thereof or
8 that is a misdemeanor of which an essential element is
9 dishonesty, or any crime that is directly related to the
10 practice of the profession.

11 (4) Making any misrepresentation for the purpose of
12 obtaining registration or violating any provision of this
13 Act or the rules adopted under this Act pertaining to
14 advertising.

15 (5) Professional incompetence.

16 (6) Gross malpractice.

17 (7) Aiding or assisting another person in violating
18 any provision of this Act or rules adopted under this Act.

19 (8) Failing, within 30 days after requested, to
20 provide information in response to a written request made
21 by the Department.

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

25 (10) Discipline by another state, District of
26 Columbia, territory, or foreign nation, if at least one of

1 the grounds for the discipline is the same or
2 substantially equivalent to those set forth in this
3 Section.

4 (11) A finding by the Department that the registrant,
5 after having the registrant's ~~his or her~~ registration
6 placed on probationary status, has violated the terms of
7 probation.

8 (12) Willfully making or filing false records or
9 reports in the registrant's ~~his or her~~ practice,
10 including, but not limited to, false records filed with
11 State agencies or departments.

12 (13) Filing false statements for collection of fees
13 for which services are not rendered.

14 (14) Practicing under a false or, except as provided
15 by law, an assumed name.

16 (15) Fraud or misrepresentation in applying for, or
17 procuring, a registration under this Act or in connection
18 with applying for renewal of a registration under this
19 Act.

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

22 (17) Failure to obtain or maintain the bond required
23 under Section 50 of this Act.

24 (18) Failure to pay appraiser panel fees or appraisal
25 management company national registry fees.

26 (19) Violating the terms of any order issued by the

1 Department.

2 (b) The Department may refuse to issue or may suspend
3 without hearing as provided for in the Civil Administrative
4 Code of Illinois the registration of any person who fails to
5 file a return, or to pay the tax, penalty, or interest shown in
6 a filed return, or to pay any final assessment of the tax,
7 penalty, or interest as required by any tax Act administered
8 by the Illinois Department of Revenue, until such time as the
9 requirements of any such tax Act are satisfied.

10 (c) An appraisal management company shall not be
11 registered or included on the national registry if the
12 company, in whole or in part, directly or indirectly, is owned
13 by a person who has had an appraiser license or certificate
14 refused, denied, canceled, surrendered in lieu of revocation,
15 or revoked under the Real Estate Appraiser Licensing Act of
16 2002 or the rules adopted under that Act, or similar
17 discipline by another state, the District of Columbia, a
18 territory, a foreign nation, a governmental agency, or an
19 entity authorized to impose discipline if at least one of the
20 grounds for that discipline is the same as or the equivalent of
21 one of the grounds for which a licensee may be disciplined as
22 set forth under this Section.

23 (Source: P.A. 100-604, eff. 7-13-18; 101-81, eff. 7-12-19.)

24 (225 ILCS 459/75)

25 Sec. 75. Investigations; notice and hearing. The

1 Department may investigate the actions of any person who is an
2 applicant or of any person or persons rendering or offering to
3 render any services requiring registration under this Act or
4 any person holding or claiming to hold a registration as an
5 appraisal management company. The Department shall, before
6 revoking, suspending, placing on probation, reprimanding, or
7 taking any other disciplinary or non-disciplinary action under
8 Section 65 of this Act, at least 30 days before the date set
9 for the hearing, (i) notify the person charged ~~accused~~ in
10 writing of the charges made and the time and place for the
11 hearing on the charges, (ii) direct the person ~~him or her~~ to
12 file a written answer to the charges with the Department under
13 oath within 20 days after ~~the service on him or her~~ of the
14 notice, and (iii) inform the person ~~accused~~ that, if the
15 person ~~he or she~~ fails to answer, default will be entered ~~taken~~
16 ~~against him or her~~ or that the person's ~~his or her~~ registration
17 may be suspended, revoked, placed on probationary status, or
18 other disciplinary action taken with regard to the
19 registration, including limiting the scope, nature, or extent
20 of the person's ~~his or her~~ practice, as the Department may
21 consider proper. At the time and place fixed in the notice, the
22 Department shall proceed to hear the charges and the parties
23 or their counsel shall be accorded ample opportunity to
24 present any pertinent statements, testimony, evidence, and
25 arguments. The Department may continue the hearing from time
26 to time. In case the person, after receiving the notice, fails

1 to file an answer, the person's ~~his or her~~ registration may, in
2 the discretion of the Department, be suspended, revoked,
3 placed on probationary status, or the Department may take
4 whatever disciplinary action considered proper, including
5 limiting the scope, nature, or extent of the person's practice
6 or the imposition of a fine, without a hearing, if the act or
7 acts charged constitute sufficient grounds for that action
8 under this Act. The written notice may be served by ~~personal~~
9 ~~delivery or by certified mail~~ or electronic mail to the last
10 address of record or email address of record as provided to
11 ~~specified by the accused in his or her last notification with~~
12 the Department.

13 (Source: P.A. 97-602, eff. 8-26-11.)

14 (225 ILCS 459/95)

15 Sec. 95. Findings and recommendations. At the conclusion
16 of the hearing, the designated hearing officer shall present
17 to the Secretary a written report of ~~his or her~~ findings of
18 fact, conclusions of law, and recommendations. The report
19 shall contain a finding whether or not the ~~accused~~ person
20 charged violated this Act or its rules or failed to comply with
21 the conditions required in this Act or its rules. The hearing
22 officer shall specify the nature of any violations or failure
23 to comply and shall make ~~his or her~~ recommendations to the
24 Secretary. In making recommendations for any disciplinary
25 actions, the hearing officer may take into consideration all

1 facts and circumstances bearing upon the reasonableness of the
2 conduct of the person charged ~~accused~~ and the potential for
3 future harm to the public, including, but not limited to,
4 previous discipline ~~of the accused~~ by the Department, intent,
5 degree of harm to the public and likelihood of harm in the
6 future, any restitution made ~~by the accused~~, and whether the
7 incident or incidents contained in the complaint appear to be
8 isolated or represent a continuing pattern of conduct. In
9 making ~~his or her~~ recommendations for discipline, the hearing
10 officer shall endeavor to ensure that the severity of the
11 discipline recommended is reasonably related to the severity
12 of the violation. The report of findings of fact, conclusions
13 of law, and recommendation of the hearing officer shall be the
14 basis for the Department's order refusing to issue, restore,
15 or renew a registration, or otherwise disciplining a person
16 ~~registrant~~. If the Secretary disagrees with the
17 recommendations of the hearing officer, the Secretary may
18 issue an order in contravention of the hearing officer
19 recommendations. The finding is not admissible in evidence
20 against the person in a criminal prosecution brought for a
21 violation of this Act, but the hearing and finding are not a
22 bar to a criminal prosecution brought for a violation of this
23 Act.

24 (Source: P.A. 97-602, eff. 8-26-11.)

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