



Rep. Dan Reitz

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09600SB2112ham002

LRB096 09414 AJ0 26716 a

1 AMENDMENT TO SENATE BILL 2112

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2112, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Real Estate Timeshare Act of 1999 is  
6 amended by changing Sections 1-10, 1-15, 5-5, 5-15, 5-20, 5-25,  
7 5-30, 5-40, 5-45, 5-50, 5-55, 5-60, 10-5, 10-15, 10-25, 10-30,  
8 15-5, 15-10, 15-15, 15-20, 15-25, 15-30, 15-35, 15-40, 15-45,  
9 15-50, 15-55, 15-60, 15-65, 15-70, 15-80, 20-5, 20-10, 20-15,  
10 20-20, and 20-25, and by adding Sections 10-45, 10-50, and  
11 10-55 as follows:

12 (765 ILCS 101/1-10)

13 Sec. 1-10. Scope of Act.

14 (a) This Act applies to all of the following:

15 (1) Timeshare plans with an accommodation or component  
16 site in Illinois.

1           (2) Timeshare plans without an accommodation or  
2 component site in Illinois, if those timeshare plans are  
3 sold or offered to be sold to any individual located within  
4 Illinois.

5           (3) Exchange programs as defined in this Act.

6           (4) Resale agents as defined in this Act.

7           (b) Exemptions. This Act does not apply to the following:

8           (1) Timeshare plans, whether or not an accommodation is  
9 located in Illinois, consisting of 7 or fewer timeshare  
10 periods, the use of which extends over any period of less  
11 than 3 years; or.

12           (2) Timeshare plans, whether or not an accommodation is  
13 located in Illinois, under which the prospective  
14 purchaser's total financial obligation will be less than  
15 \$1,500 during the entire term of the timeshare plan.

16 (Source: P.A. 91-585, eff. 1-1-00.)

17           (765 ILCS 101/1-15)

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

20           "Accommodation" means any apartment, condominium or  
21 cooperative unit, cabin, lodge, hotel or motel room, or other  
22 private or commercial structure containing toilet facilities  
23 therein that is designed and available, pursuant to applicable  
24 law, for use and occupancy as a residence by one or more  
25 individuals, or any unit or berth on a commercial cruise line

1 ship, which is included in the offering of a timeshare plan.

2 "Acquisition agent" means a person who, directly or through  
3 the person's employees, agents, or independent contractors,  
4 induces or attempts to induce by means of a promotion or an  
5 advertisement any individual located within the State of  
6 Illinois to attend a sales presentation for a timeshare plan.

7 "Advertisement" means any written, oral, or electronic  
8 communication that is directed to or targeted to persons within  
9 the State of Illinois and contains a promotion, inducement, or  
10 offer to sell a timeshare plan, including but not limited to  
11 brochures, pamphlets, radio and television scripts, electronic  
12 media, telephone and direct mail solicitations, and other means  
13 of promotion.

14 "Association" means the organized body consisting of the  
15 purchasers of interests in a timeshare plan.

16 "Assessment" means the share of funds required for the  
17 payment of common expenses which is assessed from time to time  
18 against each purchaser by the managing entity.

19 ~~"Commissioner" means the Commissioner of Banks and Real~~  
20 ~~Estate, or a natural person authorized by the Commissioner, the~~  
21 ~~Office of Banks and Real Estate Act, or this Act to act in the~~  
22 ~~Commissioner's stead.~~

23 "Component site" means a specific geographic location  
24 where accommodations which are part of a multi-site timeshare  
25 plan are located. Separate phases of a single timeshare  
26 property in a specific geographic location and under common

1 management shall be deemed a single component site.

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

4 "Developer" means and includes any person or entity, other  
5 than a sales agent, acquisition agent, or resale agent, who  
6 creates a timeshare plan or is in the business of selling  
7 timeshare interests, or employs agents to do the same, or any  
8 person or entity who succeeds to the interest of a developer by  
9 sale, lease, assignment, mortgage, or other transfer, but the  
10 term includes only those persons who offer timeshare interests  
11 for disposition in the ordinary course of business.

12 "Dispose" or "disposition" means a voluntary transfer or  
13 assignment of any legal or equitable interest in a timeshare  
14 plan, other than the transfer, assignment, or release of a  
15 security interest.

16 "Exchange company" means any person owning or operating, or  
17 both owning and operating, an exchange program.

18 "Exchange program" means any method, arrangement, or  
19 procedure for the voluntary exchange of timeshare interests or  
20 other property interests. The term does not include the  
21 assignment of the right to use and occupy accommodations to  
22 owners of timeshare interests within a single-site timeshare  
23 plan. Any method, arrangement, or procedure that otherwise  
24 meets this definition, wherein the purchaser's total  
25 contractual financial obligation exceeds \$3,000 per any  
26 individual, recurring timeshare period, shall be regulated as a

1 timeshare plan in accordance with this Act.

2 "Managing entity" means the person who undertakes the  
3 duties, responsibilities, and obligations of the management of  
4 a timeshare plan.

5 "Managing entity lien" means a lien created pursuant to  
6 Section 10-45.

7 "Offer" means any inducement, solicitation, or other  
8 attempt, whether by marketing, advertisement, oral or written  
9 presentation, or any other means, to encourage a person to  
10 acquire a timeshare interest in a timeshare plan, other than as  
11 security for an obligation.

12 "Person" means a natural person, corporation, limited  
13 liability company, partnership, joint venture, association,  
14 estate, trust, government, governmental subdivision or agency,  
15 or other legal entity, or any combination thereof.

16 "Promotion" means a plan or device, including one involving  
17 the possibility of a prospective purchaser receiving a  
18 vacation, discount vacation, gift, or prize, used by a  
19 developer, or an agent, independent contractor, or employee of  
20 any of the same on behalf of the developer, in connection with  
21 the offering and sale of timeshare interests in a timeshare  
22 plan.

23 "Purchaser" means any person, other than a developer, who  
24 by means of a voluntary transfer acquires a legal or equitable  
25 interest in a timeshare plan other than as security for an  
26 obligation.

1 "Purchase contract" means a document pursuant to which a  
2 person becomes legally obligated to sell, and a purchaser  
3 becomes legally obligated to buy, a timeshare interest.

4 "Resale agent" means a person who, for another and for  
5 compensation, or with the intention or expectation of receiving  
6 compensation, either directly or indirectly sells, offers to  
7 sell, or advertises to sell within this State any timeshare  
8 interest previously sold to a purchaser or solicits within this  
9 State any owner of a timeshare interest to list the owner's  
10 timeshare interest, wherever located, for sale. ~~directly or~~  
11 ~~through the person's employees or agents, sells or offers to~~  
12 ~~sell a timeshare interest previously sold to a purchaser or~~  
13 ~~solicits an owner of a timeshare interest to list the owner's~~  
14 ~~timeshare interest for sale.~~

15 "Reservation system" means the method, arrangement, or  
16 procedure by which a purchaser, in order to reserve the use or  
17 occupancy of any accommodation of a multi-site timeshare plan  
18 for one or more timeshare periods, is required to compete with  
19 other purchasers in the same multi-site timeshare plan,  
20 regardless of whether the reservation system is operated and  
21 maintained by the multi-site timeshare plan managing entity, an  
22 exchange company, or any other person. In the event that a  
23 purchaser is required to use an exchange program as the  
24 purchaser's principal means of obtaining the right to use and  
25 occupy accommodations, that arrangement shall be deemed a  
26 reservation system. When an exchange company utilizes a

1 mechanism for the exchange of use of timeshare periods among  
2 members of an exchange program, that utilization is not a  
3 reservation system of a multi-site timeshare plan.

4 "Sales agent" means a person, other than a resale agent,  
5 who, directly or through the person's employees, agents, or  
6 independent contractors, sells or offers to sell timeshare  
7 interests in a timeshare plan to any individual located in the  
8 State of Illinois.

9 "Timeshare instrument" means one or more documents, by  
10 whatever name denominated, creating or governing the operation  
11 of a timeshare plan.

12 "Secretary" means the Secretary of the Department of  
13 Financial and Professional Regulation, or a natural person  
14 authorized by the Secretary, the Department of Financial and  
15 Professional Regulation, or this Act to act in the Secretary's  
16 stead.

17 "Timeshare interest" means and includes either:

18 (1) a "timeshare estate", which is the right to occupy  
19 a timeshare property, coupled with a freehold estate or an  
20 estate for years with a future interest in a timeshare  
21 property or a specified portion thereof; or

22 (2) a "timeshare use", which is the right to occupy a  
23 timeshare property, which right is neither coupled with a  
24 freehold interest, nor coupled with an estate for years  
25 with a future interest, in a timeshare property.

26 "Timeshare period" means the period or periods of time when

1 the purchaser of a timeshare plan is afforded the opportunity  
2 to use the accommodations of a timeshare plan.

3 "Timeshare plan" means any arrangement, plan, scheme, or  
4 similar device, other than an exchange program, whether by  
5 membership agreement, sale, lease, deed, license, or  
6 right-to-use agreement or by any other means, whereby a  
7 purchaser, in exchange for consideration, receives ownership  
8 rights in or the right to use accommodations for a period of  
9 time less than a full year during any given year, but not  
10 necessarily for consecutive years. A timeshare plan may be:

11 (1) a "single-site timeshare plan", which is the right  
12 to use accommodations at a single timeshare property; or

13 (2) a "multi-site timeshare plan", which includes:

14 (A) a "specific timeshare interest", which is the  
15 right to use accommodations at a specific timeshare  
16 property, together with use rights in accommodations  
17 at one or more other component sites created by or  
18 acquired through the timeshare plan's reservation  
19 system; or

20 (B) a "non-specific timeshare interest", which is  
21 the right to use accommodations at more than one  
22 component site created by or acquired through the  
23 timeshare plan's reservation system, but including no  
24 specific right to use any particular accommodations.

25 "Timeshare property" means one or more accommodations  
26 subject to the same timeshare instrument, together with any



1 other property or rights to property appurtenant to those  
2 accommodations.

3 (Source: P.A. 91-585, eff. 1-1-00.)

4 (765 ILCS 101/5-5)

5 Sec. 5-5. Exemptions from developer registration. A person  
6 shall not be required to register as a developer under this Act  
7 if:

8 (1) the person is an owner of a timeshare interest who  
9 has acquired the timeshare interest for the person's own  
10 use and occupancy and who later offers it for resale; or

11 (2) the person is a managing entity or an association  
12 that is not otherwise a developer of a timeshare plan in  
13 its own right, solely while acting as an association or  
14 under a contract with an association to offer or sell a  
15 timeshare interest transferred to the association through  
16 foreclosure, deed in lieu of foreclosure, or gratuitous  
17 transfer, if such acts are performed in the regular course  
18 of, or as an incident to, the management of the association  
19 for its own account in the timeshare plan; or

20 (3) the person offers a timeshare plan in a national  
21 publication or by electronic media, as determined by the  
22 Department ~~Office of Banks and Real Estate~~ and provided by  
23 rule, which is not directed to or targeted to any  
24 individual located in Illinois; or

25 (4) the person is conveyed, assigned, or transferred

1 more than 7 timeshare periods from a developer in a single  
2 voluntary or involuntary transaction and subsequently  
3 conveys, assigns, or transfers all of the timeshare  
4 interests received from the developer to a single purchaser  
5 in a single transaction.

6 (Source: P.A. 91-585, eff. 1-1-00.)

7 (765 ILCS 101/5-15)

8 Sec. 5-15. Developer registration requirements.

9 (a) Registration required. Any person who, ~~to any~~  
10 ~~individual located in Illinois,~~ sells, offers to sell, or  
11 attempts to solicit prospective purchasers or to solicit any  
12 individual located in Illinois to purchase a timeshare  
13 interest, or any person who creates a timeshare plan with an  
14 accommodation in the State of Illinois, shall register as a  
15 developer with the Department ~~Office of Banks and Real Estate~~  
16 and shall comply with the provisions of subsection (c) of this  
17 Section.

18 (b) Items to be registered. A developer shall be  
19 responsible for registering with the Department ~~Office of Banks~~  
20 ~~and Real Estate,~~ on forms provided by the Department ~~Office of~~  
21 ~~Banks and Real Estate,~~ the following:

22 (1) All timeshare plans which have accommodations  
23 located in Illinois or which are sold or offered for sale  
24 to any individual located in Illinois.

25 (2) All sales agents who sell or offer to sell any

1 timeshare interests in any timeshare plan offered by the  
2 developer to any individual located in Illinois.

3 (3) All acquisition agents who, by means of inducement,  
4 promotion, or advertisement, attempt to encourage or  
5 procure prospective purchasers located in Illinois to  
6 attend a sales presentation for any timeshare plan offered  
7 by the developer.

8 (4) All managing entities who manage any timeshare plan  
9 offered or sold by the developer to any individual located  
10 in Illinois, without limitation as to whether the location  
11 of the accommodation site managed is within Illinois.

12 (c) Escrow. The developer shall comply with the following  
13 escrow requirements:

14 (1) A developer of a timeshare plan shall deposit into  
15 an escrow account in a federally insured depository 100% of  
16 all funds which are received during the purchaser's  
17 rescission period. The deposit of such funds shall be  
18 evidenced by an executed escrow agreement between the  
19 escrow agent and the developer, which shall include  
20 provisions that:

21 (A) funds may be disbursed to the developer by the  
22 escrow agent from the escrow account only after  
23 expiration of the purchaser's rescission period and in  
24 accordance with the purchase contract, subject to  
25 paragraph (2) of this subsection; and

26 (B) if a purchaser properly cancels the purchase

1 contract pursuant to its terms, the funds shall be paid  
2 to the purchaser or paid to the developer if the  
3 purchaser's funds have been previously refunded by the  
4 developer.

5 (2) If a developer contracts to sell a timeshare  
6 interest and the construction of any property in which the  
7 timeshare interest is located has not been completed, the  
8 developer, upon expiration of the rescission period, shall  
9 continue to maintain in an escrow account all funds  
10 received by or on behalf of the developer from the  
11 purchaser under his or her purchase contract. The  
12 Department ~~Office of Banks and Real Estate~~ shall establish,  
13 by rule, the types of documentation which shall be required  
14 for evidence of completion, including but not limited to a  
15 certificate of occupancy, a certificate of substantial  
16 completion, or an inspection by the Office of the State  
17 Fire Marshal or the State Fire Marshal's designee or an  
18 equivalent public safety inspection agency in the  
19 applicable jurisdiction. Funds shall be released from  
20 escrow as follows:

21 (A) If a purchaser properly cancels the purchase  
22 contract pursuant to its terms, the funds shall be paid  
23 to the purchaser or paid to the developer if the  
24 purchaser's funds have been previously refunded by the  
25 developer.

26 (B) If a purchaser defaults in the performance of

1           the purchaser's obligations under the purchase  
2           contract, the funds shall be paid to the developer.

3           (C) If the funds of a purchaser have not been  
4           previously disbursed in accordance with the provisions  
5           of this paragraph (2), they may be disbursed to the  
6           developer by the escrow agent upon the issuance of  
7           acceptable evidence of completion of construction as  
8           provided herein.

9           (3) In lieu of the provisions in paragraphs (1) and  
10          (2), the Department ~~Office of Banks and Real Estate~~ may  
11          accept from the developer a surety bond, irrevocable letter  
12          of credit, or other financial assurance acceptable to the  
13          Department ~~Office of Banks and Real Estate~~, as provided by  
14          rule. Any acceptable financial assurance must be in an  
15          amount equal to or in excess of the funds which would  
16          otherwise be placed in escrow, or in an amount equal to the  
17          cost to complete the incomplete property in which the  
18          timeshare interest is located.

19          (4) The developer shall provide escrow account  
20          information to the Department ~~Office of Banks and Real~~  
21          ~~Estate~~ and shall execute in writing an authorization  
22          consenting to an audit or examination of the account by the  
23          Department ~~Office of Banks and Real Estate~~ on forms  
24          provided by the Department ~~Office of Banks and Real Estate~~.  
25          The developer shall comply with the reconciliation and  
26          records requirements established by rule by the Department

1 ~~Office of Banks and Real Estate~~. The developer shall make  
2 documents related to the escrow account or escrow  
3 obligation available to the Department ~~Office of Banks and~~  
4 ~~Real Estate~~ upon the Department's ~~Office's~~ request. The  
5 developer shall maintain any disputed funds in the escrow  
6 account until either:

7 (A) receipt of written direction agreed to by  
8 signature of all parties; or

9 (B) deposit of the funds with a court of competent  
10 jurisdiction in which a civil action regarding the  
11 funds has been filed.

12 (d) Comprehensive registration. In registering a timeshare  
13 plan, the developer shall be responsible for providing  
14 information on the following:

15 (1) The developer's legal name, any assumed names used  
16 by the developer, principal office street address, mailing  
17 address, primary contact person, and telephone number;

18 (2) The name of the developer's authorized or  
19 registered agent in the State of Illinois upon whom claims  
20 can be served or service of process be had, the agent's  
21 street address in Illinois, and telephone number;

22 (3) The name, street address, mailing address, primary  
23 contact person, and telephone number of any timeshare plan  
24 being registered;

25 (4) The name, street address, mailing address and  
26 telephone number of any sales agent and acquisition agent

1 utilized by the developer, and any managing entity of the  
2 timeshare plan;

3 (5) A public offering statement which complies with the  
4 requirements of Sections 5-25; and

5 (6) Any other information regarding the developer,  
6 timeshare plan, sales agents, acquisition agents, or  
7 managing entities as reasonably required by the Department  
8 ~~Office of Banks and Real Estate~~ and established by rule.

9 (e) Abbreviated registration. The Department ~~Office of~~  
10 ~~Banks and Real Estate~~ may accept, as provided for by rule, an  
11 abbreviated registration application of a developer of a  
12 timeshare plan in which all accommodations are located outside  
13 of the State of Illinois. ~~The developer shall file a written~~  
14 ~~notice of intent to register under this Section at least 15~~  
15 ~~days prior to submission.~~ A developer of a timeshare plan with  
16 any accommodation located in the State of Illinois may not file  
17 an abbreviated filing, with the exception of a succeeding  
18 developer after a merger or acquisition when all of the  
19 developers' timeshare plans were registered in Illinois  
20 immediately preceding the merger or acquisition.

21 The developer shall provide a certificate of registration  
22 or other evidence of registration from the appropriate  
23 regulatory agency of any other jurisdiction within the United  
24 States in which some or all of such accommodations are located.  
25 The other jurisdiction must have disclosure requirements that  
26 are substantially equivalent to or greater than the information

1 required to be disclosed to purchasers by the State of  
2 Illinois. A developer filing an abbreviated registration  
3 application shall provide the following:

4 (1) The developer's legal name, any assumed names used  
5 by the developer, and the developer's principal office  
6 location, mailing address, primary contact person, and  
7 telephone number.

8 (2) The name, location, mailing address, primary  
9 contact person, and telephone number of the timeshare plan.

10 (3) The name of the authorized agent or registered  
11 agent in Illinois upon whom claims can be served or service  
12 of process can be had, and the address in Illinois of the  
13 authorized agent or registered agent.

14 (4) The names of any sales agent, acquisition agent,  
15 and managing entity, and their principal office location,  
16 mailing address, and telephone number.

17 (5) The certificate of registration or other evidence  
18 of registration from any jurisdiction in which the  
19 timeshare plan is approved or accepted.

20 (6) A declaration as to whether the timeshare plan is a  
21 single-site timeshare plan or a multi-site timeshare plan  
22 and, if a multi-site timeshare plan, whether it consists of  
23 specific timeshare interests or non-specific timeshare  
24 interests.

25 (7) Disclosure of each jurisdiction in which the  
26 developer has applied for registration of the timeshare



1 plan, and whether the timeshare plan, its developer, or any  
2 of its acquisition agents, sales agents, or managing  
3 entities utilized were denied registration or were the  
4 subject of any disciplinary proceeding.

5 (8) Copies of any disclosure documents required to be  
6 given to purchasers or required to be filed with the  
7 jurisdiction in which the timeshare plan is approved or  
8 accepted as may be requested by the Department ~~Office of~~  
9 ~~Banks and Real Estate~~.

10 (9) The appropriate fee.

11 (10) Such other information reasonably required by the  
12 Department ~~Office of Banks and Real Estate~~ and established  
13 by rule.

14 (f) Preliminary permits. Notwithstanding anything in this  
15 Section to the contrary, the Department ~~Office of Banks and~~  
16 ~~Real Estate~~ may grant a 6-month preliminary permit, as  
17 established by rule, allowing the developer to begin offering  
18 and selling timeshare interests while the registration is in  
19 process. To obtain a preliminary permit, the developer shall do  
20 all of the following:

21 (1) (Blank). ~~Submit a formal written request to the~~  
22 ~~Office of Banks and Real Estate for a preliminary permit.~~

23 (2) Submit an application in form and substance  
24 satisfactory to the Department ~~a substantially complete~~  
25 ~~application~~ for registration ~~to the Office of Banks and~~  
26 ~~Real Estate~~, including all appropriate fees and exhibits

1 required under this Article.

2 (3) Provide evidence acceptable to the Department  
3 ~~Office of Banks and Real Estate~~ that all funds received by  
4 the developer will be placed into an independent escrow  
5 account with instructions that funds will not be released  
6 until a final registration has been granted.

7 (4) Give to each purchaser and potential purchaser a  
8 copy of the proposed public offering statement that the  
9 developer has submitted to the Department ~~Office of Banks~~  
10 ~~and Real Estate~~ with the initial application.

11 (5) Give to each purchaser the opportunity to cancel  
12 the purchase contract in accordance with Section 10-10. The  
13 purchaser shall have an additional opportunity to cancel  
14 upon the issuance of an approved registration if the  
15 Department ~~Office of Banks and Real Estate~~ determines that  
16 there is a substantial difference in the disclosures  
17 contained in the final public offering statement and those  
18 given to the purchaser in the proposed public offering  
19 statement.

20 (g) Alternative registration; letter of credit or other  
21 assurance; recovery.

22 (1) Notwithstanding anything in this Act to the  
23 contrary, the Department ~~Office of Banks and Real Estate~~  
24 may accept, as established by rule, a registration from a  
25 developer for a timeshare plan if the developer provides  
26 all of the following:

1           (A) (Blank). ~~A written notice of intent to register~~  
2 ~~under this Section at least 15 days prior to submission~~  
3 ~~of the alternative registration.~~

4           (B) An irrevocable letter of credit or other  
5 acceptable assurance, as established by rule, in an  
6 amount of \$1,000,000, from which an Illinois purchaser  
7 aggrieved by any act, representation, transaction, or  
8 conduct of a duly registered developer or his or her  
9 acquisition agent, sales agent, managing entity, or  
10 employee, which violates any provision of this Act or  
11 the rules promulgated under this Act, or which  
12 constitutes embezzlement of money or property or  
13 results in money or property being unlawfully obtained  
14 from any person by false pretenses, artifice,  
15 trickery, or forgery or by reason of any fraud,  
16 misrepresentation, discrimination, or deceit by or on  
17 the part of any developer or agent or employee of the  
18 developer and which results in actual monetary loss as  
19 opposed to a loss in market value, may recover.

20           (C) The developer's legal name, any assumed names  
21 used by the developer, and the developer's principal  
22 office location, mailing address, main contact person,  
23 and telephone number.

24           (D) The name, location, mailing address, main  
25 contact person, and telephone number of the timeshare  
26 plan included in the filing.

1 (E) The name of the authorized agent or registered  
2 agent in Illinois upon whom claims can be served or  
3 service of process can be had, and the address in  
4 Illinois of the authorized agent or registered agent.

5 (F) The names of any sales agent, acquisition  
6 agent, and managing entity, and their principal office  
7 location, mailing address, and telephone number.

8 (G) A declaration as to whether the timeshare plan  
9 is a single-site timeshare plan or a multi-site  
10 timeshare plan and, if a multi-site timeshare plan,  
11 whether it consists of specific timeshare interests or  
12 non-specific timeshare interests.

13 (H) Disclosure of each jurisdiction in which the  
14 developer has applied for registration of the  
15 timeshare plan, and whether the timeshare plan, its  
16 developer, or any of its acquisition agents, sales  
17 agents, or managing entities utilized were denied  
18 registration or were the subject of any disciplinary  
19 proceeding.

20 (I) The required fee.

21 (J) Such other information reasonably required by  
22 the Department ~~Office of Banks and Real Estate~~ and  
23 established by rule.

24 (2) Any letter of credit or other acceptable assurance  
25 shall remain in effect with the Department ~~Office of Banks~~  
26 ~~and Real Estate~~ for a period of 12 months after the date

1 the developer does not renew or otherwise cancel his or her  
2 registration with the State of Illinois or 12 months after  
3 the Department ~~Office of Banks and Real Estate~~ revokes,  
4 suspends, or otherwise disciplines such developer or his or  
5 her registration, provided there is no pending litigation  
6 alleging a violation of any provision of this Act known by  
7 the Department ~~Office of Banks and Real Estate~~ and  
8 certified by the developer.

9 (3) The Department ~~Office of Banks and Real Estate~~  
10 shall establish procedures, by rule, to satisfy claims by  
11 any Illinois purchaser pursuant to this Section.

12 (4) The Department ~~Office of Banks and Real Estate~~  
13 shall automatically suspend the registration of any  
14 developer pursuant to Section 15-25 of this Act in the  
15 event the Department ~~Office~~ authorizes or directs payment  
16 to an Illinois purchaser from the letter of credit or other  
17 acceptable assurance pursuant to this Section and as  
18 established by rule.

19 (h) A developer who registers a timeshare plan pursuant to  
20 this Act shall provide the purchaser with a public offering  
21 statement that complies with Section 5-25 and any disclosures  
22 or other written information required by this Act.

23 (i) Nothing contained in this Section shall affect the  
24 Department's ~~Office of Banks and Real Estate's~~ ability to  
25 initiate any disciplinary action against a developer in  
26 accordance with this Act.

1           (j) For purposes of this Section, "Illinois purchaser"  
2 means a person who, within the State of Illinois, is solicited,  
3 offered, or sold a timeshare interest in a timeshare plan  
4 registered pursuant to this Section.

5           (Source: P.A. 91-585, eff. 1-1-00.)

6           (765 ILCS 101/5-20)

7           Sec. 5-20. Developer supervisory duties. The developer  
8 shall have the duty to supervise, manage, and control all  
9 aspects of the offering of the timeshare plan, including, but  
10 not limited to, promotion, advertising, contracting, and  
11 closing. The developer shall have responsibility for each  
12 timeshare plan registered with the Department ~~Office of Banks~~  
13 ~~and Real Estate~~ and for the actions of any sales agent,  
14 managing entity, and acquisition agent utilized by the  
15 developer in the offering or selling of any registered  
16 timeshare plan. Any violation of this Act which occurs during  
17 the offering activities shall be deemed to be a violation by  
18 the developer as well as by the acquisition agent, sales agent,  
19 or managing entity who actually committed such violation.  
20 Notwithstanding anything to the contrary in this Act, the  
21 developer shall be responsible for the actions of the  
22 association and managing entity only while they are subject to  
23 the developer's control.

24           (Source: P.A. 91-585, eff. 1-1-00.)

1 (765 ILCS 101/5-25)

2 Sec. 5-25. Timeshare plan public offering statement  
3 requirements.

4 (a) A developer shall prepare a public offering statement,  
5 shall provide the statement to each purchaser of a timeshare  
6 interest in any timeshare plan at the time of purchase, and  
7 shall fully and accurately disclose those facts concerning the  
8 timeshare developer and timeshare plan that are required by  
9 this Act or by rule. The public offering statement shall be in  
10 writing and dated and shall require the purchaser to certify in  
11 writing the receipt thereof.

12 (b) With regard to timeshare interests offered in a  
13 timeshare plan, a public offering statement shall fully and  
14 accurately disclose the following:

15 (1) The name of the developer and the principal address  
16 of the developer.

17 (2) A description of the type of timeshare interests  
18 being offered.

19 (3) A general description of the existing and proposed  
20 accommodations and amenities of the timeshare plan,  
21 including their type and number, personal property  
22 furnishing the accommodation, any use restrictions, and  
23 any required fees for use.

24 (4) A description of any accommodations and amenities  
25 that are committed to be built, including, without  
26 limitation:

1 (A) the developer's schedule of commencement and  
2 completion of all accommodations and amenities; and

3 (B) the estimated number of accommodations per  
4 site that may become subject to the timeshare plan.

5 (5) A brief description of the duration, phases, and  
6 operation of the timeshare plan.

7 (6) The current annual budget, if available, or the  
8 projected annual budget for the timeshare plan. The budget  
9 shall include, without limitation:

10 (A) a statement of the amount, or a statement that  
11 there is no amount, included in the budget as a reserve  
12 for repairs and replacement;

13 (B) the projected common expense liability, if  
14 any, by category of expenditures for the timeshare  
15 plan; and

16 (C) a statement of any services or expenses not  
17 reflected in the budget that the developer provides or  
18 pays.

19 (7) Any initial or special fee due from the purchaser  
20 at closing, together with a description of the purpose and  
21 method of calculating the fee.

22 (8) A description of any liens, defects, or  
23 encumbrances on or affecting the title to the timeshare  
24 interests.

25 (9) A description of any financing offered by or  
26 available through the developer.



1           (10) A statement that within 5 calendar days after  
2 receipt of the public offering statement or after execution  
3 of the purchase contract, whichever is later, a purchaser  
4 may cancel any purchase contract for a timeshare interest  
5 from a developer together with a statement providing the  
6 name and street address to which the purchaser should mail  
7 any notice of cancellation. However, if by agreement of the  
8 parties by and through the purchase contract, the purchase  
9 contract allows for cancellation of the purchase contract  
10 for a period of time exceeding 5 calendar days, then the  
11 public offering statement shall include a statement that  
12 the cancellation of the purchase contract is allowed for  
13 that period of time exceeding 5 calendar days.

14           (11) A statement of any pending suits, adjudications,  
15 or disciplinary actions material to the timeshare  
16 interests of which the developer has knowledge.

17           (12) Any restrictions on alienation of any number or  
18 portion of any timeshare interests.

19           (13) A statement describing liability and casualty  
20 insurance for the timeshare property.

21           (14) Any current or expected fees or charges to be paid  
22 by timeshare purchasers for the use of any amenities  
23 related to the timeshare property.

24           (15) The extent to which financial arrangements have  
25 been provided for completion of all promised improvements.

26           (16) The developer or managing entity must notify the

1        Department ~~Office of Banks and Real Estate~~ of the extent to  
2        which an accommodation may become subject to a tax or other  
3        lien arising out of claims against other purchasers in the  
4        same timeshare plan. The Department ~~Office of Banks and~~  
5        ~~Real Estate~~ may require the developer or managing entity to  
6        notify a prospective purchaser of any such potential tax or  
7        lien which would materially and adversely affect the  
8        prospective purchaser.

9            (17) A statement indicating that the developer and  
10        timeshare plan are registered with the State of Illinois.

11            (18) If the timeshare plan provides purchasers with the  
12        opportunity to participate in an exchange program, a  
13        description of the name and address of the exchange company  
14        and the method by which a purchaser accesses the exchange  
15        program.

16            (19) Such other information reasonably required by the  
17        Department ~~Office of Banks and Real Estate~~ and established  
18        by administrative rule necessary for the protection of  
19        purchasers of timeshare interests in timeshare plans.

20            (20) Any other information that the developer, with the  
21        approval of the Department ~~Office of Banks and Real Estate~~,  
22        desires to include in the public offering statement.

23            (c) A developer offering a multi-site timeshare plan shall  
24        also fully and accurately disclose the following information,  
25        which may be disclosed in a written, graphic, or tabular form:

26            (1) A description of each component site, including the

1 name and address of each component site.

2 (2) The number of accommodations and timeshare  
3 periods, expressed in periods of 7-day use availability,  
4 committed to the multi-site timeshare plan and available  
5 for use by purchasers.

6 (3) Each type of accommodation in terms of the number  
7 of bedrooms, bathrooms, and sleeping capacity, and a  
8 statement of whether or not the accommodation contains a  
9 full kitchen. For purposes of this description, a "full  
10 kitchen" means a kitchen having a minimum of a dishwasher,  
11 range, sink, oven, and refrigerator.

12 (4) A description of amenities available for use by the  
13 purchaser at each component site.

14 (5) A description of the reservation system, which  
15 shall include the following:

16 (A) The entity responsible for operating the  
17 reservation system.

18 (B) A summary of the rules and regulations  
19 governing access to and use of the reservation system.

20 (C) The existence of and an explanation regarding  
21 any priority reservation features that affect a  
22 purchaser's ability to make reservations for the use of  
23 a given accommodation on a first-come, first-served  
24 basis.

25 (6) A description of any right to make any additions,  
26 substitutions, or deletions of accommodations or

1 amenities, and a description of the basis upon which  
2 accommodations and amenities may be added to, substituted  
3 in, or deleted from the multi-site timeshare plan.

4 (7) A description of the purchaser's liability for any  
5 fees associated with the multi-site timeshare plan.

6 (8) The location and the anticipated relative use  
7 demand of each component site in a multi-site timeshare  
8 plan, as well as any periodic adjustment or amendment to  
9 the reservation system which may be needed in order to  
10 respond to actual purchaser use patterns and changes in  
11 purchaser use demand for the accommodations existing at  
12 that time within the multi-site timeshare plan.

13 (9) Such other information reasonably required by the  
14 Department ~~Office of Banks and Real Estate~~ and established  
15 by administrative rule necessary for the protection of  
16 purchasers of timeshare interests in timeshare plans.

17 (10) Any other information that the developer, with the  
18 approval of the Department ~~Office of Banks and Real Estate~~,  
19 desires to include in the public offering statement.

20 (d) If a developer offers a non-specific timeshare interest  
21 in a multi-site timeshare plan, the developer shall disclose  
22 the information set forth in subsection (b) as to each  
23 component site.

24 (Source: P.A. 91-585, eff. 1-1-00.)

1           Sec. 5-30. Exchange company registration and disclosure  
2 requirements.

3           (a) ~~An Each~~ exchange company ~~offering an exchange program~~  
4 ~~to purchasers in this State~~ shall register with the Department  
5 at least 20 calendar days prior to offering an exchange program  
6 to purchasers in this State. ~~Office of Banks and Real Estate by~~  
7 ~~July 1 of each year. The registration shall consist of the~~  
8 ~~information specified in this Section. However, an exchange~~  
9 ~~company shall make its initial registration at least 20~~  
10 ~~calendar days prior to offering membership in an exchange~~  
11 ~~program to any purchaser in this State.~~

12           (b) If a purchaser is offered the opportunity to become a  
13 member of an exchange program, the developer shall deliver to  
14 the purchaser, together with the public offering statement and  
15 any other materials required to be furnished under this  
16 Section, and prior to the offering or execution of any contract  
17 between the purchaser and the exchange company offering  
18 membership in the exchange program, or, if the exchange company  
19 is dealing directly with the purchaser, the developer or the  
20 exchange company shall deliver to the purchaser, prior to the  
21 initial offering or execution of any contract between the  
22 purchaser and the exchange company, the following written  
23 information regarding the exchange program, the form and  
24 substance of which shall first be approved by the Department  
25 ~~Office of Banks and Real Estate~~ in accordance with this  
26 Section:

1 (1) The name and address of the exchange company.

2 (2) The names of all officers, directors, and  
3 shareholders of the exchange company.

4 (3) Whether the exchange company or any of its officers  
5 or directors have any legal or beneficial interest in any  
6 developer, seller, or managing entity for any timeshare  
7 plan participating in the exchange program and, if so, the  
8 identity of the timeshare plan and the nature of the  
9 interest.

10 (4) Unless otherwise stated, a statement that the  
11 purchaser's contract with the exchange company is a  
12 contract separate and distinct from the purchaser's  
13 contract with the seller of timeshare interests.

14 (5) Whether the purchaser's participation in the  
15 exchange program is dependent upon the continued  
16 affiliation of the applicable timeshare plan with the  
17 exchange program.

18 (6) A statement that the purchaser's participation in  
19 the exchange program is voluntary.

20 (7) A complete and accurate description of the terms  
21 and conditions of the purchaser's contractual relationship  
22 with the exchange program and the procedure by which  
23 changes thereto may be made.

24 (8) A complete and accurate description of the  
25 procedures necessary to qualify for and effectuate  
26 exchanges.

1           (9) A complete and accurate description of all  
2 limitations, restrictions, and priorities employed in the  
3 operation of the exchange program, including but not  
4 limited to limitations on exchanges based on seasonality,  
5 accommodation size, or levels of occupancy, expressed in  
6 conspicuous type, and, in the event that those limitations,  
7 restrictions, or priorities are not uniformly applied by  
8 the exchange company, a clear description of the manner in  
9 which they are applied.

10           (10) Whether exchanges are arranged on a  
11 space-available basis and whether any guarantees of  
12 fulfillment of specific requests for exchanges are made by  
13 the exchange company.

14           (11) Whether and under what circumstances an owner, in  
15 dealing with the exchange program, may lose the right to  
16 use and occupy an accommodation of the timeshare plan  
17 during a reserved use period with respect to any properly  
18 applied-for exchange without being provided with  
19 substitute accommodations by the exchange program.

20           (12) The fees or range of fees for participation by  
21 owners in the exchange program, a statement of whether any  
22 such fees may be altered by the exchange company, and the  
23 circumstances under which alterations may be made.

24           (13) The name and address of the site of each  
25 accommodation included within a timeshare plan  
26 participating in the exchange program.

1           (14) The number of accommodations in each timeshare  
2 plan that are available for occupancy and that qualify for  
3 participation in the exchange program, expressed within  
4 the following numerical groups: 1-5; 6-10; 11-20; 21-50;  
5 and 51 and over.

6           (15) The number of currently enrolled owners for each  
7 timeshare plan participating in the exchange program,  
8 expressed within the following numerical groups: 1-100;  
9 101-249; 250-499; 500-999; and 1,000 and over; and a  
10 statement of the criteria used to determine those owners  
11 who are currently enrolled with the exchange program.

12           (16) The disposition made by the exchange company of  
13 use periods deposited with the exchange program by owners  
14 enrolled in the exchange program and not used by the  
15 exchange company in effecting exchanges.

16           (17) The following information for the preceding  
17 calendar year, which shall be independently audited by a  
18 certified public accountant in accordance with the  
19 standards of the Accounting Standards Board of the American  
20 Institute of Certified Public Accountants and reported on  
21 an annual basis on or after August 1 as established by rule  
22 ~~annually no later than August 1 of each year:~~

23           (A) The number of owners currently enrolled in the  
24 exchange program.

25           (B) The number of timeshare plans that have current  
26 affiliation agreements with the exchange program.



1 (C) The percentage of confirmed exchanges, which  
2 is the number of exchanges confirmed by the exchange  
3 program divided by the number of exchanges properly  
4 applied for, together with a complete and accurate  
5 statement of the criteria used to determine whether an  
6 exchange request was properly applied for.

7 (D) The number of use periods for which the  
8 exchange program has an outstanding obligation to  
9 provide an exchange to an owner who relinquished a use  
10 period during a particular year in exchange for a use  
11 period in any future year.

12 (E) The number of exchanges confirmed by the  
13 exchange program during the year.

14 (F) A statement in conspicuous type to the effect  
15 that the percentage described in subdivision (17)(C)  
16 of this subsection is a summary of the exchange  
17 requests entered with the exchange program in the  
18 period reported and that the percentage does not  
19 indicate the probabilities of an owner's being  
20 confirmed to any specific choice or range of choices.

21 (18) Such other information as may be reasonably  
22 required by the Department ~~Office of Banks and Real Estate~~  
23 of any exchange company as established by rule.

24 (c) No developer shall have any liability with respect to  
25 any violation of this Act arising out of the publication by the  
26 developer of information provided to it by an exchange company

1 pursuant to this Article. No exchange company shall have any  
2 liability with respect to any violation of this Act arising out  
3 of the use by a developer of information relating to an  
4 exchange program other than that provided to the developer by  
5 the exchange company.

6 (d) All written, visual, and electronic communications  
7 relating to an exchange company or an exchange program shall be  
8 filed with the Department ~~Office of Banks and Real Estate~~ upon  
9 its request.

10 (e) The failure of an exchange company to observe the  
11 requirements of this Section, and the use of any unfair or  
12 deceptive act or practice in connection with the operation of  
13 an exchange program, is a violation of this Act.

14 (f) An exchange company may elect to deny exchange  
15 privileges to any owner whose use of the accommodations of the  
16 owner's timeshare plan is denied, and no exchange program or  
17 exchange company shall be liable to any of its members or any  
18 third parties on account of any such denial of exchange  
19 privileges.

20 (Source: P.A. 91-585, eff. 1-1-00.)

21 (765 ILCS 101/5-40)

22 Sec. 5-40. Resale agent duties. A ~~Whether registered or~~  
23 ~~exempt from registration under Section 5-35,~~ a resale agent  
24 shall comply with all of the following:

25 (a) Prior to engaging in any resale activities on behalf of

1 any owner of a timeshare interest or accepting anything of  
2 value from any owner of a timeshare interest, a resale agent  
3 shall enter into a listing agreement with that owner. Every  
4 listing agreement shall be in writing and signed by both the  
5 resale agent and the timeshare interest owner. The requirements  
6 of the written listing agreement shall be established by rule,  
7 but at a minimum the listing agreement shall disclose the  
8 following:

9 (1) The name and address of the resale agent and the  
10 timeshare interest owner.

11 (2) The term of the listing agreement.

12 (3) Whether the resale agent's rights under the listing  
13 agreement are exclusive and, if the resale agent's rights  
14 are exclusive, the length of such exclusivity period.

15 (4) Whether any person other than the timeshare  
16 interest owner may use the timeshare during the period  
17 before the timeshare interest is resold.

18 (5) Whether any person other than the timeshare  
19 interest owner may rent or exchange the use of the  
20 timeshare interest during the term of the listing  
21 agreement.

22 (6) The name of any person who will receive any rents,  
23 profits, or other thing of value generated from the use of  
24 the timeshare interest during the period before the  
25 timeshare interest is resold.

26 (7) A detailed description of any relationship between

1       the resale agent and any other person who receives any  
2       benefit from the use of the timeshare interest.

3       (8) A description of any fees or costs that relate to  
4       the listing or sale of the timeshare interest that the  
5       timeshare interest owner (or any other person) must pay to  
6       the resale agent or any third party. If the timeshare  
7       interest owner (or any other person) must pay a fee to the  
8       resale agent or any third party before the sale of the  
9       timeshare interest, the listing agreement must identify  
10       each of the following:

11               (A) The amount of each pre-sale fee and to whom  
12               such pre-sale fee must be paid.

13               (B) The time by which each pre-sale fee must be  
14               paid.

15               (C) A reasonable description of each pre-sale cost  
16               or fee.

17               (D) A description and the estimated amount of any  
18               other fees or costs associated with the listing or sale  
19               of the timeshare interest.

20               (E) The ratio or percentage of the number of  
21               listings of timeshare interests for sale versus the  
22               number of timeshare interests sold by the resale agent  
23               for each of the past 3 years.

24       (9) A description of the amount or percentage and  
25       procedures for paying any commissions due to the resale  
26       agent upon resale of the timeshare interest. ~~the method of~~

1 ~~compensation, a definite date of termination, whether any~~  
2 ~~fees are non-refundable, and whether the agreement permits~~  
3 ~~the timeshare resale agent or any other person to make any~~  
4 ~~use whatsoever of the owner's timeshare interest or receive~~  
5 ~~any rents or profits generated from such use of the~~  
6 ~~timeshare interest.~~

7 (b) A resale agent shall maintain records as required by  
8 rule. The records required to be maintained include, but are  
9 not limited to, all listing agreements, copies of disbursement  
10 authorizations in accordance with subsection (c), and resale  
11 contracts.

12 (c) A resale agent who collects any fees prior to a  
13 transfer of an interest from any owner shall deposit the fees  
14 in an escrow account. Any fees that are to be paid to the  
15 resale agent prior to closing may be disbursed from the escrow  
16 account only upon receipt of a disbursement authorization,  
17 signed by the owner, in the following form:

18 "I, (name of owner), am the owner of a timeshare  
19 interest in (name of timeshare plan). I understand that for  
20 my protection I can require the entire fee to be held in  
21 escrow until the closing on the resale of my timeshare  
22 interest, but I am authorizing a release before the  
23 transfer in the following amount: (amount written in words)  
24 (\$ (amount in numbers)), for the following purpose or  
25 purposes (description of purpose or purposes). I  
26 understand that the resale agent is regulated by the

1       Illinois Department of Financial and Professional  
2       Regulation, or its successor agency, ~~Office of Banks and~~  
3       ~~Real Estate~~ under the Real Estate Timeshare Act of 1999.  
4       The Illinois Department of Financial and Professional  
5       Regulation ~~Office of Banks and Real Estate~~ requires the  
6       resale agent to obtain this disbursement authorization  
7       with my signature before disbursement of my funds."

8       (d) A resale agent shall utilize a purchase agreement that  
9       discloses to a purchaser of a timeshare interest all of the  
10      following:

11           (1) A legally sufficient description of the timeshare  
12      interest being purchased.

13           (2) The name and address of the managing entity of the  
14      timeshare property.

15           (3) The amount of the most recent ~~current year's~~  
16      assessment for the common expenses allocated to the  
17      timeshare interest being purchased including the time  
18      period to which the assessment relates (e.g., monthly,  
19      quarterly, yearly) and the date on which it is due. If not  
20      included in the applicable common expense assessment, the  
21      amount of any real or personal property taxes allocated to  
22      the timeshare interest being purchased.

23           (3.5) Whether all assessments and real or personal  
24      property taxes that are due against the timeshare interest  
25      are paid in full and, if not, the amount owed and the  
26      consequences of failure to pay timely any assessment or

1       real or personal property taxes.

2           (4) A complete and accurate disclosure of the terms and  
3 conditions of the purchase and closing, including the  
4 obligations of the owner, the purchaser, or both for  
5 closing costs and the title insurance.

6           (5) The entity responsible for providing notification  
7 to the managing entity of the timeshare plan and the  
8 applicable exchange company regarding any change in the  
9 ownership of the timeshare interest.

10          (6) A statement of the first year in which the  
11 purchaser is entitled to receive the actual use rights and  
12 occupancy of the timeshare interest, as determined by the  
13 managing entity of the timeshare plan and any exchange  
14 company.

15       (6.5) The name, address, telephone number, and website  
16 (if applicable) where the governing documents of the  
17 association, if any, and the timeshare instrument may be  
18 obtained, together with the following disclosure:

19       "There are many important documents relating to  
20 the timeshare plan that you should review before  
21 purchasing a timeshare interest. These may include,  
22 but are not limited to, (a) the declaration of  
23 condominium, (b) the declaration of timeshare plan,  
24 (c) the reciprocal easement and cost sharing  
25 agreement, (d) the declaration of restrictions,  
26 covenants, and conditions, (e) the owners association

1           articles and bylaws, (f) the current year's operating  
2           and reserve budgets, if any, for the owners  
3           association, and (g) any rules and regulations  
4           affecting the use of the timeshare property or other  
5           facility or amenity available for use by timeshare  
6           interest owners."

7           (7) In making the disclosures required by this  
8           subsection (d), the timeshare resale agent may rely upon  
9           information provided in writing by the owner or managing  
10          entity of the timeshare plan.

11          (8) The purchaser's 5 calendar day ~~5-day~~ cancellation  
12          period as required by Section 10-10.

13          (9) Any other information determined by the Department  
14          ~~Office of Banks and Real Estate~~ and established by rule.

15          (e) A resale agent must be licensed as a real estate broker  
16          or salesperson pursuant to the Real Estate License Act of 2000  
17          or its successor Act.

18          (f) A resale agent is exempt from the duties imposed by  
19          subsections (a) through (d) of this Section if the resale agent  
20          offers an aggregate total of no more than 8 timeshare interests  
21          per calendar year as a resale agent, regardless of (1) whether  
22          those timeshare interests are located in this State and (2)  
23          whether the resale agent offers all, or only some, of those  
24          timeshare interests, in this State.

25          (Source: P.A. 91-585, eff. 1-1-00.)



1 (765 ILCS 101/5-45)

2 Sec. 5-45. Amendment to registration information or public  
3 offering statement. The developer, ~~resale agent,~~ and exchange  
4 company shall amend or supplement their disclosure documents  
5 and registration information to reflect any material change in  
6 any information required by this Act or the rules implementing  
7 this Act. All such amendments, supplements, and changes shall  
8 be filed with the Department ~~Office of Banks and Real Estate~~  
9 within 30 ~~20~~ calendar days of the material change.

10 (Source: P.A. 91-585, eff. 1-1-00.)

11 (765 ILCS 101/5-50)

12 Sec. 5-50. Registration review time frames. Every  
13 registration required to be filed with the Department ~~Office of~~  
14 ~~Banks and Real Estate~~ under this Act shall be reviewed and  
15 issued a certificate of registration in accordance with the  
16 following schedule:

17 (1) Comprehensive registration. Registration shall be  
18 effective only upon the issuance of a certificate of  
19 registration by the Department ~~Office of Banks and Real~~  
20 ~~Estate~~, which, in the ordinary course of business, should  
21 occur no more than 60 calendar days after actual receipt by  
22 the Department ~~Office of Banks and Real Estate~~ of the  
23 properly completed application. The Department shall  
24 ~~Office of Banks and Real Estate~~ must provide a list of  
25 deficiencies in the application, if any, within 60 calendar

1 days of receipt. The list may be in a written or electronic  
2 format.

3 (2) Abbreviated registration. Registration shall be  
4 effective only upon the issuance of a certificate of  
5 registration by the Department ~~Office of Banks and Real~~  
6 ~~Estate~~, which, in the ordinary course of business, should  
7 occur no more than 30 calendar days after actual receipt by  
8 the Department ~~Office of Banks and Real Estate~~ of the  
9 properly completed application. The Department shall  
10 ~~Office of Banks and Real Estate must~~ provide a list of  
11 deficiencies in the application, if any, within 30 calendar  
12 days of receipt. The list may be in a written or electronic  
13 format.

14 (3) Alternative assurance registration. Registration  
15 shall be ~~deemed~~ effective only upon the issuance of a  
16 certificate of registration by the Department, which, in  
17 the ordinary course of business, should occur no more than  
18 ~~within~~ 30 ~~15~~ calendar days after ~~of~~ receipt by the  
19 Department. The Department shall provide a, unless the  
20 ~~Office of Banks and Real Estate provides to the applicant a~~  
21 ~~written~~ list of deficiencies in the application, if any,  
22 within 30 ~~15~~ calendar days of receipt. The list may be in a  
23 written or electronic format.

24 (4) Preliminary permit registration. A preliminary  
25 permit shall be issued only upon the written approval by  
26 the Department, which, in the ordinary course of business,

1        should occur no more than 30 ~~within 15~~ calendar days after  
2        actual ~~of~~ receipt of the required documentation by the  
3        Department. The Department shall provide a, ~~unless the~~  
4        ~~Office of Banks and Real Estate provides to the applicant a~~  
5        ~~written~~ list of deficiencies in the application, if any,  
6        within 30 ~~15~~ calendar days of receipt. The list may be in a  
7        written or electronic format.

8            (5) Exchange company registration. Registration shall  
9        be effective only upon the issuance of a certificate of  
10       registration by the Department, which, in the ordinary  
11       course of business, should occur no more than 60 calendar  
12       days after the actual receipt ~~by the Office of Banks and~~  
13       ~~Real Estate~~ of a properly completed application by the  
14       Department. The Department shall ~~Office of Banks and Real~~  
15       ~~Estate must~~ provide a list of deficiencies in the  
16       application, if any, within 60 ~~30~~ calendar days of receipt.  
17       The list may be in a written or electronic format.

18        (Source: P.A. 91-585, eff. 1-1-00.)

19            (765 ILCS 101/5-55)

20        Sec. 5-55. Fees. The Department ~~Office of Banks and Real~~  
21       ~~Estate~~ shall provide, by rule, for fees to be paid by  
22       applicants and registrants to cover the reasonable costs of the  
23       Department ~~Office of Banks and Real Estate~~ in administering and  
24       enforcing the provisions of this Act. The Department ~~Office of~~  
25       ~~Banks and Real Estate~~ may also provide, by rule, for general

1 fees to cover the reasonable expenses of carrying out other  
2 functions and responsibilities under this Act.

3 (Source: P.A. 91-585, eff. 1-1-00.)

4 (765 ILCS 101/5-60)

5 Sec. 5-60. Registration; offer or disposal of interest;  
6 renewal.

7 (a) A developer or ~~7~~ exchange company, ~~or resale agent,~~ or  
8 any of their agents, shall not sell, offer, or dispose of a  
9 timeshare interest unless all necessary registrations are  
10 filed and approved by the Department ~~Office of Banks and Real~~  
11 ~~Estate,~~ or while an order revoking or suspending a registration  
12 is in effect.

13 (b) An applicant for registration under this Act shall  
14 submit the necessary information to complete the application,  
15 as required by the Department ~~Office of Banks and Real Estate,~~  
16 within 6 months from the date the initial registration  
17 application was received by the Department ~~Office of Banks and~~  
18 ~~Real Estate.~~ If the applicant fails to submit the information  
19 necessary to complete the application as required by the  
20 Department ~~Office of Banks and Real Estate~~ within the six month  
21 period, said application shall be voided, and a new  
22 registration application with applicable fees must be  
23 submitted.

24 (c) The registration of a developer, exchange company,  
25 individual, or entity registered under this Act shall be

1 renewed as required by rule.

2 (Source: P.A. 91-585, eff. 1-1-00.)

3 (765 ILCS 101/10-5)

4 Sec. 10-5. Management and operation provisions.

5 (a) Before the first sale of a timeshare interest, the  
6 developer shall create or provide for a managing entity, which  
7 shall be either the developer, a separate manager or management  
8 firm, the board of directors of an owners' association, or some  
9 combination thereof.

10 (b) The duties of the managing entity include, but are not  
11 limited to:

12 (1) Management and maintenance of all accommodations  
13 constituting the timeshare plan.

14 (2) Collection of all assessments as provided in the  
15 timeshare instrument.

16 (3) Providing to all purchasers each year an itemized  
17 annual budget, which shall include all estimated revenues  
18 and expenses.

19 (4) Maintenance of all books and records concerning the  
20 timeshare plan.

21 (5) Scheduling occupancy of accommodations, when  
22 purchasers are not entitled to use specific timeshare  
23 periods, so that all purchasers will be provided the  
24 opportunity to use and possession of the accommodations of  
25 the timeshare plan which they have purchased.

1           (6) Performing any other functions and duties that are  
2           necessary and proper to maintain the accommodations or that  
3           are required by the timeshare instrument.

4           (c) ~~If In the event~~ a developer, mortgagee, managing  
5           entity, or association does not pursue nonjudicial foreclosure  
6           as provided in Section 10-50 or 10-55 and instead forecloses  
7           against a timeshare interest pursuant to the Illinois Mortgage  
8           Foreclosure Law, files a complaint in a foreclosure proceeding  
9           ~~involving timeshare interests,~~ the developer, mortgagee,  
10          managing entity, or association may join in the same action  
11          multiple defendant obligors and junior interest holders of  
12          separate timeshare interests, provided:

13           (1) the foreclosure proceeding involves a single  
14          timeshare plan;

15           (2) the foreclosure proceeding is filed by a single  
16          plaintiff;

17           (3) the default and remedy provisions in the written  
18          instruments on which the foreclosure proceeding is based  
19          are substantially the same for each defendant; and

20           (4) the nature of the defaults alleged is the same for  
21          each defendant.

22          (d) In any foreclosure proceeding involving multiple  
23          defendants filed under subsection (c), the court shall sever  
24          for separate trial any count of the complaint in which a  
25          defense or counterclaim is timely raised by a defendant.

26          (Source: P.A. 91-585, eff. 1-1-00.)

1 (765 ILCS 101/10-15)

2 Sec. 10-15. Interests, liens, and encumbrances;  
3 alternative assurances.

4 (a) Excluding any encumbrance placed against the  
5 purchaser's timeshare interest securing the purchaser's  
6 payment of purchase-money financing for such purchase, the  
7 developer shall not be entitled to the release of any funds  
8 escrowed under subsection (c) of Section 5-15 with respect to  
9 each timeshare interest and any other property or rights to  
10 property appurtenant to the timeshare interest, including any  
11 amenities represented to the purchaser as being part of the  
12 timeshare plan, until the developer has provided satisfactory  
13 evidence to the Department ~~Office of Banks and Real Estate~~ of  
14 one of the following:

15 (1) The timeshare interest together with any other  
16 property or rights to property appurtenant to the timeshare  
17 interest, including any amenities represented to the  
18 purchaser as being part of the timeshare plan, are free and  
19 clear of any of the claims of the developer, any owner of  
20 the underlying fee, a mortgagee, judgment creditor, or  
21 other lienor, or any other person having an interest in or  
22 lien or encumbrance against the timeshare interest or  
23 appurtenant property or property rights.

24 (2) The developer, any owner of the underlying fee, a  
25 mortgagee, judgment creditor, or other lienor, or any other

1 person having an interest in or lien or encumbrance against  
2 the timeshare interest or appurtenant property or property  
3 rights, including any amenities represented to the  
4 purchaser as being part of the timeshare plan, has recorded  
5 a subordination and notice to creditors document in the  
6 appropriate public records of the jurisdiction in which the  
7 timeshare interest is located. The subordination document  
8 shall expressly and effectively provide that the interest  
9 holder's right, lien, or encumbrance shall not adversely  
10 affect, and shall be subordinate to, the rights of the  
11 owners of the timeshare interests in the timeshare plan  
12 regardless of the date of purchase, from and after the  
13 effective date of the subordination document.

14 (3) The developer, any owner of the underlying fee, a  
15 mortgagee, judgment creditor, or other lienor, or any other  
16 person having an interest in or lien or encumbrance against  
17 the timeshare interest or appurtenant property or property  
18 rights, including any amenities represented to the  
19 purchaser as being part of the timeshare plan, has  
20 transferred the subject accommodations or amenities or all  
21 use rights therein to a nonprofit organization or owners'  
22 association to be held for the use and benefit of the  
23 owners of the timeshare plan, which entity shall act as a  
24 fiduciary to the purchasers, provided that the developer  
25 has transferred control of such entity to the owners or  
26 does not exercise its voting rights in such entity with



1           respect to the subject accommodations or amenities. Prior  
2           to the transfer, any lien or other encumbrance against the  
3           accommodation or facility shall be made subject to a  
4           subordination and notice to creditors instrument pursuant  
5           to paragraph (2).

6           (4) Alternative arrangements have been made which are  
7           adequate to protect the rights of the purchasers of the  
8           timeshare interests and approved by the Department ~~Office~~  
9           ~~of Banks and Real Estate~~.

10          (b) Nothing in this Section shall prevent a developer from  
11          accessing any escrow funds if the developer has complied with  
12          subsection (c) of Section 5-15.

13          (Source: P.A. 91-585, eff. 1-1-00.)

14          (765 ILCS 101/10-25)

15          Sec. 10-25. Liability; material misrepresentation;  
16          promotions.

17          (a) A developer or other person offering a timeshare plan  
18          may not do any of the following:

19               (1) Misrepresent a fact material to a purchaser's  
20               decision to buy a timeshare interest.

21               (2) Predict specific or immediate increases in the  
22               value of a timeshare interest represented over a period of  
23               time, excluding bona fide pending price increases by the  
24               developer.

25               (3) Materially misrepresent the qualities or

1 characteristics of accommodations or the amenities  
2 available to the occupant of those accommodations.

3 (4) Misrepresent the length of time accommodations or  
4 amenities will be available to the purchaser of a timeshare  
5 interest.

6 (5) Misrepresent the conditions under which a  
7 purchaser of a timeshare interest may exchange the right of  
8 his or her occupancy for the right to occupy other  
9 accommodations.

10 (b) A developer or other person using a promotion in  
11 connection with the offering of a timeshare interest shall  
12 clearly disclose all of the following:

13 (1) That the purpose of the promotion is to sell  
14 timeshare interests, which shall appear in bold face or  
15 other conspicuous type.

16 (2) That any person whose name or address is obtained  
17 during the promotion may be solicited to purchase a  
18 timeshare interest.

19 (3) The name of each developer or other person trying  
20 to sell a timeshare interest through the promotion, and the  
21 name of each person paying for the promotion.

22 (4) The complete rules of the promotion.

23 (5) The method of awarding prizes, gifts, vacations,  
24 discount vacations, or other benefits under the promotion;  
25 a complete and fully detailed description, including  
26 approximate retail value, of all prizes, gifts, or benefits

1 under the promotion; the quantity of each prize, gift, or  
2 benefit to be awarded or conferred; and the date by which  
3 each prize, gift, or benefit will be awarded or conferred.

4 (6) Any other disclosures provided by rule.

5 (c) If a person represents that a prize, gift, or benefit  
6 will be awarded in connection with a promotion, the prize,  
7 gift, or benefit must be awarded or conferred in the manner  
8 represented, and on or before the date represented.

9 (d) A developer or other person using a promotion in  
10 connection with the offering of a timeshare interest shall  
11 provide the disclosures required by this Section in writing or  
12 electronically to the prospective purchaser at least once  
13 before the earlier of (1) a reasonable period before the  
14 scheduled sales presentation to ensure that the prospective  
15 purchaser receives the disclosures before leaving to attend the  
16 sales presentation or (2) the payment of any nonrefundable  
17 monies by the prospective purchaser in regard to the promotion.

18 (e) A developer or other person using a promotion in  
19 connection with the offering of a timeshare interest is not  
20 required to provide the disclosures required by this Section in  
21 every advertisement or other written, oral, or electronic  
22 communication provided or made to a prospective purchaser.

23 (Source: P.A. 91-585, eff. 1-1-00.)

24 (765 ILCS 101/10-30)

25 Sec. 10-30. Records. The managing entity shall keep

1 detailed financial records directly related to the operation of  
2 the association. All financial and other records shall be made  
3 reasonably available for examination by any purchaser, or the  
4 authorized agent of the purchaser, and the Department Office of  
5 Banks and Real Estate. For purposes of this Section, the books  
6 and records of the timeshare plan shall be considered  
7 "reasonably available" if copies of the requested portions are  
8 delivered to the purchaser or the purchaser's agent or the  
9 Department Office of Banks and Real Estate within 7 days of the  
10 date the managing entity receives a written request for the  
11 records signed by the purchaser or the Department Office of  
12 Banks and Real Estate. The managing entity may charge the  
13 purchaser a reasonable fee for copying the requested  
14 information.

15 (Source: P.A. 91-585, eff. 1-1-00.)

16 (765 ILCS 101/10-45 new)

17 Sec. 10-45. Managing entity lien created.

18 (a) A managing entity has a lien on a timeshare interest  
19 for any of the following respectively levied or imposed against  
20 a timeshare interest:

21 (1) Assessments, which for purposes of this Act unless  
22 the timeshare instrument provides otherwise, shall include  
23 fees, charges, late charges, fines, collection costs, and  
24 interest charged in accordance with the timeshare  
25 instrument;

1           (2) Reasonable collection and attorneys fees and costs  
2           the managing entity incurs to collect assessments; and

3           (3) Taxes, interest, penalties, late payment fees or  
4           finances in accordance with applicable law or the timeshare  
5           instrument.

6           (b) Managing entity liens pursuant to this Section are  
7           created and attached when the charges described in Section  
8           10-45(a) become due. If such amounts are payable in  
9           installments, the full amount of such charges is a managing  
10           entity lien from the time that the first installment thereof  
11           becomes due.

12           (c) Managing entity liens pursuant to this Section are  
13           perfected on the date that the managing entity:

14           (1) In the case of a timeshare estate, records a notice  
15           of lien against the timeshare estate in the office of the  
16           recorder in the county where the timeshare estate is  
17           located, which notice of lien must identify each of the  
18           following:

19                   (A) The name of the timeshare estate owner;

20                   (B) The name and address of the managing entity;

21                   (C) The description of the timeshare estate in the  
22           same manner required for recording a mortgage against a  
23           timeshare estate; and

24                   (D) The amount of the debt secured by the managing  
25           entity lien.

26           (2) In the case of a timeshare use, files a notice of

1       lien against the timeshare use in the filing office of the  
2       Illinois Secretary of State pursuant to Article 9 of the  
3       Uniform Commercial Code, which notice of lien, in addition  
4       to any other filing requirements imposed by Article 9 of  
5       the Uniform Commercial Code, must identify each of the  
6       following:

7               (A) The name of the timeshare use owner as the  
8       debtor;

9               (B) The name of the managing entity as the secured  
10       party;

11               (C) The address of the managing entity;

12               (D) The timeshare use as the collateral; and

13               (E) The amount of the debt secured by the managing  
14       entity lien.

15       (d) The managing entity must send a copy of the recorded or  
16       filed notice of lien on the timeshare interest, as the case may  
17       be, to the last known address of the timeshare interest owner.

18       (e) A managing entity lien against a timeshare estate, at  
19       the managing entity's option, may (1) be foreclosed as provided  
20       in Section 10-50 or (2) be foreclosed in the same manner as a  
21       mortgage pursuant to the Illinois Mortgage Foreclosure Law.

22       (f) A managing entity lien against a timeshare use, at the  
23       managing entity's option, may (1) be foreclosed as provided in  
24       Section 10-55 or (2) be enforced in the same manner as a  
25       security interest pursuant to Article 9 of the Uniform  
26       Commercial Code.

1 (765 ILCS 101/10-50 new)

2 Sec. 10-50. Nonjudicial foreclosure against timeshare  
3 estates.

4 (a) Notwithstanding anything in the Illinois Mortgage  
5 Foreclosure Law or other applicable law to the contrary:

6 (1) The holder of a mortgage against a timeshare estate  
7 may foreclose or otherwise enforce a security interest  
8 pursuant to this Section 10-50; and

9 (2) The holder of a managing entity lien against a  
10 timeshare estate may foreclose such managing entity lien  
11 pursuant to this Section 10-50.

12 (b) Upon default, and after all applicable cure periods  
13 identified in the mortgage (if such default is under a  
14 mortgage) or the timeshare instrument (if default is under a  
15 managing entity lien) have expired, the holder of the mortgage  
16 or managing entity lien must:

17 (1) Provide written notice of the default to the  
18 timeshare estate owner at the last known address of the  
19 timeshare estate owner by (A) certified mail, return  
20 receipt requested and (B) first-class mail.

21 (2) Provide the timeshare estate owner an additional  
22 opportunity to cure for a period of at least 30 days  
23 following the later date of the mailing of the notices  
24 pursuant to Sections 10-50(b)(1)(A) and 10-50(b)(1)(B).

25 (c) If, the timeshare estate owner does not cure the

1 default before the expiration of the additional cure period  
2 granted pursuant to Section 10-50(b)(2), the holder of the  
3 mortgage or managing entity lien may foreclose the mortgage or  
4 managing entity lien by conducting a public auction that  
5 complies with the following requirements:

6 (1) The holder of the mortgage or managing entity lien  
7 must provide notice of the public auction as follows:

8 (A) By publishing notice of the public auction in  
9 at least each of 3 successive weeks in a newspaper,  
10 whether printed or electronic, of general circulation  
11 in the county where the timeshare estate is located.  
12 The first notice must be published no more than 30 days  
13 before the date of the public auction, which 30-day  
14 period shall be calculated by excluding the date of  
15 publication of the first notice and the date of the  
16 public auction.

17 (B) By sending written notice identifying the  
18 time, date, and place of the public auction to the last  
19 known address of the owner of record of the timeshare  
20 estate at least 30 days before the date of the public  
21 auction by (i) certified mail, return receipt  
22 requested and (ii) first-class mail.

23 (C) By sending notice identifying the time, date,  
24 and place of the public auction to all persons known to  
25 have a lien against the timeshare estate at least 30  
26 days before the date of the public auction by certified



1 mail, return receipt requested.

2 (2) The notices given pursuant to Section 10-50(c)(1)  
3 must also contain:

4 (A) The name of the timeshare estate owner;

5 (B) A general description of the timeshare estate;

6 and

7 (C) The terms of the public auction.

8 (3) If more than one timeshare estate is to be included  
9 in the public auction, all such timeshare estates may be  
10 combined into one notice of public auction.

11 (4) The public notice required by Section  
12 10-50(c)(1)(A) for foreclosing a mortgage against a  
13 timeshare estate must be printed in substantially the  
14 following form:

15 NOTICE OF SALE OF TIMESHARE ESTATE OR ESTATES UNDER SECTION  
16 10-50 OF THE ILLINOIS REAL ESTATE TIMESHARE ACT OF 1999

17 By virtue of 765 ILCS 101/10-50 and in execution of a certain  
18 mortgage (or mortgages, if more than one) on the timeshare  
19 estate (or estates, if more than one) given by the owner of the  
20 timeshare estate (or owners, if more than one) set forth below  
21 for breach of the conditions of said mortgage (or mortgages, if  
22 more than one) and for the purpose of foreclosing, the same  
23 will be sold at public auction starting at.....  
24 on..... 20.. at....., Illinois, being all and

1 singular the premises described in said mortgage (or mortgages,  
2 if more than one). (For each mortgage, list the name and  
3 address of the timeshare estate owner, a general description of  
4 the timeshare estate, and the book and page number of the  
5 mortgage.)

6 TERMS OF SALE: (State the deposit amount to be paid by the  
7 purchaser at the time and place of the sale and the times for  
8 payment of the balance or the whole, as the case may be. The  
9 timeshare estates, if more than one, must be sold in individual  
10 lots unless there are no individual bidders, in which case,  
11 they may be sold as a group.)

12 Other terms may be announced at the public auction.

13 Signed.....

14 Holder of mortgage or authorized agent.

15 (5) The public notice required by Section  
16 10-50(c)(1)(A) for foreclosing a managing entity lien  
17 against a timeshare estate must be printed in substantially  
18 the following form:

19 NOTICE OF SALE OF TIMESHARE ESTATE OR ESTATES UNDER SECTION  
20 10-50 OF THE ILLINOIS REAL ESTATE TIMESHARE ACT OF 1999

1 By virtue of the timeshare instrument of the  
 2 ..... (name and address of timeshare property)  
 3 and 765 ILCS 101/10-45 establishing a managing entity lien for  
 4 failure to pay assessments and other costs on the timeshare  
 5 estate (or estates, if more than one) held by the owner of the  
 6 timeshare estate (or owners, if more than one) listed below,  
 7 the timeshare estate (or estates, if more than one) and for the  
 8 purpose of foreclosing, the same will be sold at public auction  
 9 starting at ..... on ..... 20.. at .....,  
 10 Illinois. (For each timeshare estate, list the name and address  
 11 of the timeshare estate owner, a general description of the  
 12 timeshare estate, and the book and page number of the deed.)

13 TERMS OF SALE: (State the deposit amount to be paid by the  
 14 purchaser at the time and place of the sale and the times for  
 15 payment of the balance or the whole, as the case may be. The  
 16 timeshare estates, if more than one, must be sold in individual  
 17 lots unless there are no individual bidders, in which case,  
 18 they may be sold as a group.)

19 Other terms may be announced at the public auction.

20 Signed .....

21 Managing entity lienholder or authorized agent.

1           (6) Publishing and sending notices in compliance with  
2           this Section 10-50(c) constitutes sufficient public notice  
3           of the public auction.

4           (d) Public auctions pursuant to this Section 10-50 must be  
5           conducted as follows:

6           (1) The public auction must take place within the  
7           county where the timeshare estate is located.

8           (2) The public auction must be open to the general  
9           public and conducted by an auctioneer licensed pursuant to  
10           the Auction License Act.

11           (3) Notwithstanding anything in the Auction License  
12           Act to the contrary, the auctioneer, in his or her  
13           discretion, may waive the reading of the names of the  
14           timeshare estate owners, if more than one, the description  
15           of the timeshare estates, if more than one, and the  
16           recording information of the applicable mortgages or  
17           managing entity liens (as the case may be), if more than  
18           one.

19           (4) All rights of redemption of the timeshare estate  
20           owner are extinguished upon sale of a timeshare estate at  
21           the public auction.

22           (5) The holder of the mortgage or managing entity lien,  
23           the developer, the managing entity, and the timeshare  
24           estate owner are not precluded from bidding at the public  
25           auction.

26           (6) The successful purchaser at the public auction is

1       not required to complete the purchase of the timeshare  
2       estate if the timeshare estate, at the time the auctioneer  
3       accepts the successful bid, is subject to liens or other  
4       encumbrances, other than those identified in the notice of  
5       public auction and those identified at the auction before  
6       the auctioneer opens bidding on the applicable timeshare  
7       estate.

8           (7) The purchaser at the public auction takes title to  
9       the timeshare estate free and clear of any outstanding  
10       assessments owed by the prior timeshare estate owner to the  
11       managing entity.

12       (e) Upon the sale of a timeshare estate pursuant to this  
13       Section 10-50, the holder of the mortgage or managing entity  
14       lien must provide the purchaser with (1) a foreclosure deed or  
15       other appropriate instrument transferring the mortgage  
16       holder's or managing entity's interest in the timeshare estate  
17       and (2) an affidavit affirming that all requirements of the  
18       foreclosure pursuant to this Section 10-50 have been satisfied.

19       (f) The timeshare estate is considered sold, and the deed  
20       or other instrument transferring the timeshare estate must  
21       transfer the timeshare estate, subject to municipal or other  
22       taxes and any liens or encumbrances recorded before the  
23       recording of the mortgage or the managing entity lien  
24       foreclosed pursuant to this Section 10-50 (as the case may be),  
25       but not including such managing entity lien.

26       (g) The purchaser of a timeshare estate at a public auction

1 pursuant to this Section 10-50 must record the foreclosure deed  
2 or other instrument with the appropriate recorder of deeds  
3 within 30 days after the date the foreclosing mortgage holder  
4 or managing entity (as the case may be) delivers the  
5 foreclosure deed or other instrument to the purchaser.

6 (h) If the holder of a mortgage or managing entity lien  
7 conducts a nonjudicial foreclosure pursuant to this Section  
8 10-50, the holder of the mortgage or managing entity lien  
9 forfeits its right to pursue a claim for any deficiency in the  
10 payment of the obligations of the timeshare estate owner  
11 resulting from the application of the proceeds of the sale to  
12 such obligations.

13 (i) For purposes of this Section 10-50, obligations to pay  
14 assessments secured by a lien established pursuant to a  
15 timeshare instrument before the effective date of this  
16 amendatory Act of the 96th General Assembly are considered  
17 managing entity liens.

18 (j) This Section 10-50 applies to the foreclosure of  
19 mortgages and liens considered to be managing entity liens that  
20 arose before or after the effective date of this amendatory Act  
21 of the 96th General Assembly.

22 (765 ILCS 101/10-55 new)

23 Sec. 10-55. Foreclosure of lien or security interest on a  
24 timeshare use.

25 (a) Notwithstanding anything in the Illinois Mortgage

1 Foreclosure Law or the Uniform Commercial Code to the contrary,  
2 the holder of a managing entity lien on a timeshare use created  
3 by Section 10-45, in the case of the failure to pay assessments  
4 when due, or a security interest against a timeshare use, in  
5 the case of a breach of the security agreement, may do either  
6 of the following:

7 (1) Enforce the security interest pursuant to Part 6 of  
8 Article 9 of the Uniform Commercial Code, including  
9 (without limitation) accepting the timeshare use in full or  
10 partial satisfaction of the timeshare use owner's  
11 obligation pursuant to Section 9-620 of the Uniform  
12 Commercial Code; or

13 (2) Nonjudicially foreclose in the same manner as  
14 authorized by Section 10-50 for holders of a mortgage or  
15 managing entity lien against a timeshare estate.

16 (b) All rights of redemption of a timeshare use owner are  
17 extinguished upon sale of a timeshare use as authorized by  
18 Section 10-55(a).

19 (c) The holder of the security interest or managing entity  
20 lien, the developer, the managing entity and the timeshare use  
21 owner are not precluded from bidding at the sale of the  
22 timeshare use pursuant to this Section 10-55 and may enter into  
23 agreements for the purchase of one or more timeshare uses  
24 following the completion of the sale proceedings.

25 (d) The purchaser at the public auction takes title to the  
26 timeshare use free and clear of any outstanding assessments

1 owed by the prior timeshare use owner to the managing entity.

2 (765 ILCS 101/15-5)

3 Sec. 15-5. Investigation. The Department ~~Office of Banks~~  
4 ~~and Real Estate~~ may investigate the actions or qualifications  
5 of any person or persons holding or claiming to hold a  
6 certificate of registration under this Act. Such a person is  
7 referred to as "the respondent" in this Article.

8 (Source: P.A. 91-585, eff. 1-1-00.)

9 (765 ILCS 101/15-10)

10 Sec. 15-10. Disciplinary hearings; record; appointment of  
11 administrative law judge.

12 (a) The Department ~~Office of Banks and Real Estate~~ has the  
13 authority to conduct hearings before an administrative law  
14 judge on proceedings to revoke, suspend, place on probation,  
15 reprimand, or refuse to issue or renew registrants registered  
16 under this Act, or to impose a civil penalty not to exceed  
17 \$25,000 upon any registrant registered under this Act.

18 (b) The Department ~~Office of Banks and Real Estate~~, at its  
19 expense, shall preserve a record of all proceedings at the  
20 formal hearing of any case involving the refusal to issue or  
21 the revocation, suspension, or other discipline of a  
22 registrant. The notice of hearing, complaint, and all other  
23 documents in the nature of pleadings and written motions filed  
24 in the proceedings, the transcript of testimony, the report of



1 the Board, and the orders of the Department ~~Office of Banks and~~  
2 ~~Real Estate~~ shall be the record of proceeding. At all hearings  
3 or prehearing conferences, the Department ~~Office of Banks and~~  
4 ~~Real Estate~~ and the respondent shall be entitled to have a  
5 court reporter in attendance for purposes of transcribing the  
6 proceeding or prehearing conference.

7 (c) The Secretary ~~Commissioner~~ has the authority to appoint  
8 any attorney duly licensed to practice law in the State of  
9 Illinois to serve as an administrative law judge in any action  
10 for refusal to issue or renew a certificate of registration or  
11 to discipline a registrant or person holding a certificate of  
12 registration. The administrative law judge has full authority  
13 to conduct the hearing. The administrative law judge shall  
14 report his or her findings and recommendations to the Secretary  
15 ~~Commissioner~~. If the Secretary ~~Commissioner~~ disagrees with the  
16 recommendation of the administrative law judge, the Secretary  
17 ~~Commissioner~~ may issue an order in contravention of the  
18 recommendation.

19 (Source: P.A. 91-585, eff. 1-1-00.)

20 (765 ILCS 101/15-15)

21 Sec. 15-15. Notice of proposed disciplinary action;  
22 hearing.

23 (a) Before taking any disciplinary action with regard to  
24 any registrant, the Department ~~Office of Banks and Real Estate~~  
25 shall:

1           (1) notify the respondent in writing, at least 30  
2           calendar days prior to the date set for the hearing, of any  
3           charges made, the time and place for the hearing of the  
4           charges, and that testimony at the hearing will be heard  
5           under oath; and

6           (2) inform the respondent that upon failure to file an  
7           answer and request a hearing before the date originally set  
8           for the hearing, default will be taken against the  
9           respondent and the respondent's registration may be  
10          suspended or revoked, or the respondent may be otherwise  
11          disciplined, as the Department ~~Office of Banks and Real~~  
12          ~~Estate~~ may deem proper.

13          (b) If the respondent fails to file an answer after  
14          receiving notice, the respondent's registration may, in the  
15          discretion of the Department ~~Office of Banks and Real Estate~~,  
16          be revoked or suspended, or the respondent may be otherwise  
17          disciplined as deemed proper, without a hearing, if the act or  
18          acts charged constitute sufficient grounds for that action  
19          under this Act.

20          (c) At the time and place fixed in the notice, the  
21          Department ~~Office of Banks and Real Estate~~ shall proceed to  
22          hearing of the charges. Both the respondent and the complainant  
23          shall be accorded ample opportunity to present in person, or by  
24          counsel, statements, testimony, evidence, and argument that  
25          may be pertinent to the charges or any defense to the charges.

26          (Source: P.A. 91-585, eff. 1-1-00.)

1 (765 ILCS 101/15-20)

2 Sec. 15-20. Disciplinary consent orders. Notwithstanding  
3 any other provisions of this Act concerning the conduct of  
4 hearings and recommendations for disciplinary actions, the  
5 ~~Department Office of Banks and Real Estate~~ has the authority to  
6 negotiate agreements with registrants and applicants resulting  
7 in disciplinary consent orders. Any such consent order may  
8 provide for any form of discipline provided for in the Act. Any  
9 such consent order shall provide that it is not entered into as  
10 a result of any coercion by the ~~Department Office of Banks and~~  
11 ~~Real Estate~~. Any such consent order shall be accepted by  
12 signature or rejected by the ~~Secretary Commissioner~~ in a timely  
13 manner.

14 (Source: P.A. 91-585, eff. 1-1-00.)

15 (765 ILCS 101/15-25)

16 Sec. 15-25. Disciplinary action; civil penalty. The  
17 ~~Department Office of Banks and Real Estate~~ may refuse to issue  
18 or renew any registration, or revoke or suspend any  
19 registration or place on probation or administrative  
20 supervision, or reprimand any registrant, or impose a civil  
21 penalty not to exceed \$25,000, for any one or any combination  
22 of the following causes:

23 (1) A registrant's disregard or violation of any  
24 provision of this Act or of the rules adopted by the

1        Department ~~Office of Banks and Real Estate~~ to enforce this  
2        Act.

3            (2) A conviction of the registrant or any principal of  
4        the registrant of (i) a felony under the laws of any U.S.  
5        jurisdiction, (ii) a misdemeanor under the laws of any U.S.  
6        jurisdiction if an essential element of the offense is  
7        dishonesty, or (iii) a crime under the laws of any U.S.  
8        jurisdiction if the crime relates directly to the practice  
9        of the profession regulated by this Act.

10           (3) A registrant's making any misrepresentation for  
11        the purpose of obtaining a registration or certificate of  
12        registration.

13           (4) A registrant's discipline by another U.S.  
14        jurisdiction, state agency, or foreign nation regarding  
15        the practice of the profession regulated by this Act, if at  
16        least one of the grounds for the discipline is the same as  
17        or substantially equivalent to one of those set forth in  
18        this Act.

19           (5) A finding by the Department ~~Office of Banks and~~  
20        ~~Real Estate~~ that the registrant, after having his or her  
21        registration placed on probationary status, has violated  
22        the terms of probation.

23           (6) A registrant's practicing or attempting to  
24        practice under a name other than the name as shown on his  
25        or her registration or any other legally authorized name.

26           (7) A registrant's failure to file a return, or to pay

1 the tax, penalty, or interest shown in a filed return, or  
2 to pay any final assessment of tax, penalty, or interest,  
3 as required by any tax Act administered by the Illinois  
4 Department of Revenue, until the requirements of any such  
5 tax Act are satisfied.

6 (8) A registrant's engaging in dishonorable,  
7 unethical, or unprofessional conduct of a character likely  
8 to deceive, defraud, or harm the public.

9 (9) A registrant's aiding or abetting another person or  
10 persons in disregarding or violating any provision of this  
11 Act or of the rules adopted by the Department ~~Office of~~  
12 ~~Banks and Real Estate~~ to enforce this Act.

13 (10) Any representation in any document or information  
14 filed with the Department ~~Office of Banks and Real Estate~~  
15 which is false or misleading.

16 (11) A registrant's disseminating or causing to be  
17 disseminated any false or misleading promotional materials  
18 or advertisements in connection with a timeshare plan.

19 (12) A registrant's concealing, diverting, or  
20 disposing of any funds or assets of any person in a manner  
21 that impairs the rights of purchasers of timeshare  
22 interests in the timeshare plan.

23 (13) A registrant's failure to perform any stipulation  
24 or agreement made to induce the Department ~~Office of Banks~~  
25 ~~and Real Estate~~ to issue an order relating to the timeshare  
26 plan.

1 (14) A registrant's engaging in any act that  
2 constitutes a violation of Section 3-102, 3-103, 3-104, or  
3 3-105 of the Illinois Human Rights Act.

4 (15) A registrant's failure to provide information  
5 requested in writing by the Department ~~Office of Banks and~~  
6 ~~Real Estate~~, within 30 days of the request, either as the  
7 result of a formal or informal complaint to the Department  
8 ~~Office of Banks and Real Estate~~ or as a result of a random  
9 audit conducted by the Department ~~Office of Banks and Real~~  
10 ~~Estate~~, which would indicate a violation of this Act.

11 (16) A registrant's failure to account for or remit any  
12 escrow funds coming into his or her possession which  
13 belonged to others.

14 (17) A registrant's failure to make available to  
15 Department ~~Office of Banks and Real Estate~~ personnel during  
16 normal business hours all escrow records and related  
17 documents maintained in connection therewith, within 24  
18 hours after a request from the Department ~~Office of Banks~~  
19 ~~and Real Estate~~ personnel.

20 (Source: P.A. 91-585, eff. 1-1-00.)

21 (765 ILCS 101/15-30)

22 Sec. 15-30. Subpoenas; attendance of witnesses; oaths.

23 (a) The Department ~~Office of Banks and Real Estate~~ has the  
24 power to issue subpoenas ad testificandum and to bring before  
25 it any persons, and to take testimony either orally or by

1 deposition, or both, with the same fees and mileage and in the  
2 same manner as prescribed in civil cases in the courts of this  
3 State. The Department ~~Office of Banks and Real Estate~~ has the  
4 power to issue subpoenas duces tecum and to bring before it any  
5 documents, papers, files, books, and records, with the same  
6 costs and in the same manner as prescribed in civil cases in  
7 the courts of this State.

8 (b) Upon application of the Department ~~Office of Banks and~~  
9 ~~Real Estate~~ or its designee or of the applicant, registrant, or  
10 person holding a certificate of registration against whom  
11 proceedings under this Act are pending, any circuit court may  
12 enter an order compelling the enforcement of any subpoena  
13 issued by the Department ~~Office of Banks and Real Estate~~ in  
14 connection with any hearing or investigation.

15 (c) The Secretary ~~Commissioner~~ and the designated  
16 administrative law judge have power to administer oaths to  
17 witnesses at any hearing that the Department ~~Office of Banks~~  
18 ~~and Real Estate~~ is authorized to conduct and any other oaths  
19 authorized in any Act administered by the Department ~~Office of~~  
20 ~~Banks and Real Estate~~.

21 (Source: P.A. 91-585, eff. 1-1-00.)

22 (765 ILCS 101/15-35)

23 Sec. 15-35. Administrative law judge's findings of fact,  
24 conclusions of law, and recommendations. At the conclusion of  
25 the hearing, the administrative law judge shall present to the

1 ~~Secretary Commissioner~~ a written report of the administrative  
2 law judge's findings of fact, conclusions of law, and  
3 recommendations regarding discipline or a civil penalty. The  
4 report shall contain a finding of whether or not the respondent  
5 violated this Act or failed to comply with conditions required  
6 in this Act. The administrative law judge shall specify the  
7 nature of the violation or failure to comply.

8 If the ~~Secretary Commissioner~~ disagrees in any regard with  
9 the report of the administrative law judge, the Secretary  
10 ~~Commissioner~~ may issue an order in contravention of the report.  
11 The ~~Secretary Commissioner~~ shall provide a written report to  
12 the administrative law judge on any deviation and shall specify  
13 with particularity the reasons for that action in the final  
14 order.

15 (Source: P.A. 91-585, eff. 1-1-00.)

16 (765 ILCS 101/15-40)

17 Sec. 15-40. Rehearing. After any hearing involving  
18 disciplinary action against a registrant, a copy of the  
19 administrative law judge's report shall be served on the  
20 respondent by the ~~Department Office of Banks and Real Estate,~~  
21 either personally or as provided in this Act for the service of  
22 the notice of hearing. Within 20 calendar days after the  
23 service, the respondent may present to the ~~Department Office of~~  
24 ~~Banks and Real Estate~~ a motion in writing for a rehearing. The  
25 motion shall specify the particular grounds for rehearing. If



1 the respondent orders a transcript of the record from the  
2 reporting service and pays for it within the time for filing a  
3 motion for rehearing, the 20 calendar day period within which a  
4 motion for rehearing may be filed shall commence upon the  
5 delivery of the transcript to the respondent.

6 If no motion for rehearing is filed, then upon the  
7 expiration of the time specified for filing a motion, or if a  
8 motion for rehearing is denied, then upon denial, the Secretary  
9 ~~Commissioner~~ may enter an order in accordance with the  
10 recommendations of the administrative law judge, except as  
11 otherwise provided in this Article. Whenever the Secretary  
12 ~~Commissioner~~ is not satisfied that substantial justice has been  
13 done in the hearing or in the administrative law judge's  
14 report, the Secretary ~~Commissioner~~ may order a rehearing by the  
15 same or some other duly qualified administrative law judge.

16 (Source: P.A. 91-585, eff. 1-1-00.)

17 (765 ILCS 101/15-45)

18 Sec. 15-45. Order or certified copy. An order or a  
19 certified copy of an order, over the seal of the Department  
20 ~~Office of Banks and Real Estate~~ and purporting to be signed by  
21 the Secretary ~~Commissioner~~, shall be prima facie proof of the  
22 following:

23 (1) That the signature is the genuine signature of the  
24 Secretary ~~Commissioner~~.

25 (2) That the Secretary ~~Commissioner~~ is duly appointed

1 and qualified.

2 (3) That the administrative law judge is duly appointed  
3 and qualified.

4 (Source: P.A. 91-585, eff. 1-1-00.)

5 (765 ILCS 101/15-50)

6 Sec. 15-50. Restoration of certificate of registration. At  
7 any time after the suspension or revocation of any certificate  
8 of registration, the Department ~~Office of Banks and Real Estate~~  
9 may restore the certificate of registration to the respondent  
10 upon the written recommendation of the Secretary ~~Commissioner~~,  
11 unless after an investigation and a hearing the Secretary  
12 ~~Commissioner~~ determines that restoration is not in the public  
13 interest.

14 (Source: P.A. 91-585, eff. 1-1-00.)

15 (765 ILCS 101/15-55)

16 Sec. 15-55. Surrender of certificate of registration. Upon  
17 the revocation or suspension of a certificate of registration,  
18 the registrant shall immediately surrender the certificate of  
19 registration to the Department ~~Office of Banks and Real Estate~~.  
20 If the registrant fails to do so, the Department ~~Office of~~  
21 ~~Banks and Real Estate~~ has the right to seize the certificate of  
22 registration.

23 (Source: P.A. 91-585, eff. 1-1-00.)

1 (765 ILCS 101/15-60)

2 Sec. 15-60. Administrative Review Law. All final  
3 administrative decisions of the Department ~~Office of Banks and~~  
4 ~~Real Estate~~ under this Act are subject to judicial review under  
5 the Administrative Review Law and the rules implementing that  
6 Law. The term "administrative decision" is defined as in  
7 Section 3-101 of the Code of Civil Procedure. Proceedings for  
8 judicial review shall be commenced in the circuit court of the  
9 county in which the party applying for review resides, but if  
10 the party is not a resident of this State, the venue shall be  
11 in Cook or Sangamon County.

12 Pending the court's final decision on administrative  
13 review, the acts, orders, sanctions, and rulings of the  
14 Department ~~Office of Banks and Real Estate~~ regarding any  
15 registration shall remain in full force and effect unless  
16 modified or stayed by court order pending a final judicial  
17 decision.

18 The Department ~~Office of Banks and Real Estate~~ shall not be  
19 required to certify any record to the court or file any answer  
20 in court or otherwise appear in any court in a judicial review  
21 proceeding unless there is filed in the court, with the  
22 complaint, a receipt from the Department ~~Office of Banks and~~  
23 ~~Real Estate~~ acknowledging payment of the costs of furnishing  
24 and certifying the record. Failure on the part of the plaintiff  
25 to file a receipt in the court is grounds for dismissal of the  
26 action.

1 (Source: P.A. 91-585, eff. 1-1-00.)

2 (765 ILCS 101/15-65)

3 Sec. 15-65. Public interest, safety, or welfare; summary  
4 suspension. The Secretary ~~Commissioner~~ may temporarily suspend  
5 any registration pursuant to this Act, without hearing,  
6 simultaneously with the institution of proceedings for a  
7 hearing provided for in this Section, if the Secretary  
8 ~~Commissioner~~ finds that the evidence indicates that the public  
9 interest, safety, or welfare imperatively requires emergency  
10 action. If the Secretary ~~Commissioner~~ temporarily suspends any  
11 registration without a hearing, a hearing must be held within  
12 30 calendar days after the suspension. The person whose  
13 registration is suspended may seek a continuance of the  
14 hearing, during which the suspension shall remain in effect.  
15 The proceeding shall be concluded without appreciable delay.

16 (Source: P.A. 91-585, eff. 1-1-00.)

17 (765 ILCS 101/15-70)

18 Sec. 15-70. Non-registered practice; civil penalty;  
19 injunction.

20 (a) Any person who practices, offers to practice, attempts  
21 to practice, or holds himself or herself out to practice as a  
22 registrant under this Act without being registered under this  
23 Act shall, in addition to any other penalty provided by law,  
24 pay a civil penalty to the Department ~~Office of Banks and Real~~

1 ~~Estate~~ in an amount not to exceed \$25,000 for each offense as  
2 determined by the Department ~~Office of Banks and Real Estate~~.  
3 The civil penalty shall be assessed by the Department ~~Office of~~  
4 ~~Banks and Real Estate~~ after a hearing is held in accordance  
5 with the provisions set forth in this Act regarding the  
6 provision of a hearing for the discipline of a registrant.

7 (b) The Department ~~Office of Banks and Real Estate~~ has the  
8 authority and power to investigate any and all non-registered  
9 activity.

10 (c) A civil penalty imposed under subsection (a) shall be  
11 paid within 60 days after the effective date of the order  
12 imposing the civil penalty. The order shall constitute a  
13 judgment and may be filed, and execution may be had thereon, in  
14 the same manner as any judgment from any court of record.

15 (d) Engaging in timeshare practices in Illinois by any  
16 entity not holding a valid and current certificate of  
17 registration under this Act is declared to be inimical to the  
18 public welfare, to constitute a public nuisance, and to cause  
19 irreparable harm to the public welfare. The Secretary  
20 ~~Commissioner~~, the Attorney General, the State's Attorney of any  
21 county in the State, or any person may maintain an action in  
22 the name of the People of the State of Illinois, and may apply  
23 for injunctive relief in any circuit court to enjoin such  
24 entity from engaging in such practice. Upon the filing of a  
25 verified petition in the court, the court, if satisfied by  
26 affidavit or otherwise that such entity has been engaged in

1 such practice without a valid and current certificate of  
2 registration, may enter a temporary restraining order without  
3 notice or bond, enjoining the defendant from such further  
4 practice. Only the showing of nonregistration, by affidavit or  
5 otherwise, is necessary in order for a temporary injunction to  
6 issue. A copy of the verified complaint shall be served upon  
7 the defendant and the proceedings shall thereafter be conducted  
8 as in other civil cases except as modified by this Section. If  
9 it is established that the defendant has been or is engaged in  
10 such unlawful practice, the court may enter an order or  
11 judgment perpetually enjoining the defendant from further  
12 practice. In all proceedings hereunder, the court, in its  
13 discretion, may apportion the costs among the parties  
14 interested in the action, including cost of filing the  
15 complaint, service of process, witness fees and expenses, court  
16 reporter charges and reasonable attorneys' fees. In the case of  
17 a violation of any injunctive order entered under the  
18 provisions of this Section, the court may summarily try and  
19 punish the offender for contempt of court. Proceedings for an  
20 injunction under this Section shall be in addition to, and not  
21 in lieu of, all penalties and other remedies provided in this  
22 Act.

23 (Source: P.A. 91-585, eff. 1-1-00.)

24 (765 ILCS 101/15-80)

25 Sec. 15-80. Cease and desist orders. The Department Office

1 ~~of Banks and Real Estate~~ may issue a cease and desist order to  
2 any person who engages in any activity prohibited by this Act.  
3 Any person in violation of a cease and desist order entered by  
4 the Department ~~Office of Banks and Real Estate~~ is subject to  
5 all of the remedies provided by law.

6 (Source: P.A. 91-585, eff. 1-1-00.)

7 (765 ILCS 101/20-5)

8 Sec. 20-5. Administration of Act. The Department ~~Office of~~  
9 ~~Banks and Real Estate~~ shall exercise the powers and duties  
10 prescribed by the Civil Administrative Code of Illinois and  
11 shall exercise other powers and duties necessary for  
12 effectuating the purposes of this Act. The Department ~~Office of~~  
13 ~~Banks and Real Estate~~ may contract with third parties for  
14 services necessary for the proper administration of this Act.  
15 The Department ~~Office of Banks and Real Estate~~ has the  
16 authority to establish public policies and procedures  
17 necessary for the administration of this Act.

18 (Source: P.A. 91-585, eff. 1-1-00.)

19 (765 ILCS 101/20-10)

20 Sec. 20-10. Administrative rules. The Department ~~Office of~~  
21 ~~Banks and Real Estate~~ shall adopt rules for the implementation  
22 and enforcement of this Act.

23 (Source: P.A. 91-585, eff. 1-1-00.)

1 (765 ILCS 101/20-15)

2 Sec. 20-15. Real Estate License Administration Fund.

3 All fees collected for registration and for civil penalties  
4 pursuant to this Act and administrative rules adopted under  
5 this Act shall be deposited into the Real Estate License  
6 Administration Fund. The moneys deposited in the Real Estate  
7 License Administration Fund shall be appropriated to the  
8 ~~Department Office of Banks and Real Estate~~ for expenses for the  
9 administration and enforcement of this Act.

10 (Source: P.A. 91-585, eff. 1-1-00.)

11 (765 ILCS 101/20-20)

12 Sec. 20-20. Forms. The ~~Department Office of Banks and Real~~  
13 ~~Estate~~ may prescribe forms and procedures for submitting  
14 information to the ~~Department Office of Banks and Real Estate~~.

15 (Source: P.A. 91-585, eff. 1-1-00.)

16 (765 ILCS 101/20-25)

17 Sec. 20-25. Site inspections. The ~~Department Office of~~  
18 ~~Banks and Real Estate~~ shall thoroughly investigate all matters  
19 relating to an application for registration under this Act and  
20 may require a personal inspection of any developer, timeshare  
21 plan, accommodation, exchange company, or resale company and  
22 any offices where any of the foregoing may transact business.  
23 All reasonable expenses incurred by the ~~Department Office of~~  
24 ~~Banks and Real Estate~~ in investigating such matters shall be



1 borne by the registrant, and the registrant shall reimburse the  
2 Department Office of Banks and Real Estate for those expenses  
3 within 30 calendar days of receipt of notice of the expenses  
4 from the Department Office. The Department Office of Banks and  
5 Real Estate may require a deposit sufficient to cover the  
6 expenses prior to incurring the expenses.

7 (Source: P.A. 91-585, eff. 1-1-00.)

8 (765 ILCS 101/5-35 rep.)

9 Section 10. The Real Estate Timeshare Act of 1999 is  
10 amended by repealing Section 5-35.

11 Section 97. Severability. The provisions of this Act are  
12 severable under Section 1.31 of the Statute on Statutes.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."