

1                                    AMENDMENT TO HOUSE BILL 5803

2            AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5803, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5            "Section 5. The Auction License Act is amended by  
6 changing Section 10-1 as follows:

7            (225 ILCS 407/10-1)

8            (Section scheduled to be repealed on January 1, 2010)

9            Sec. 10-1. Necessity of license; exemptions.

10           (a) It is unlawful for any person, corporation, limited  
11 liability company, partnership, or other entity to conduct an  
12 auction, provide an auction service, hold himself or herself  
13 out as an auctioneer, or advertise his or her services as an  
14 auctioneer in the State of Illinois without a license issued  
15 by OBRE under this Act, except at:

16                    (1) an auction conducted solely by or for a  
17 not-for-profit organization for charitable purposes;

18                    (2) an auction conducted by the owner of the  
19 property, real or personal;

20                    (3) an auction for the sale or lease of real  
21 property conducted by a licensee under the Real Estate  
22 License Act, or its successor Acts, in accordance with

1 the terms of that Act; and

2 (4) an auction conducted by a business registered  
3 as a market agency under the federal Packers and  
4 Stockyards Act (7 U.S.C. 181 et seq.) or under the  
5 Livestock Auction Market Law;

6 (5) an auction conducted by an agent, officer, or  
7 employee of a federal agency in the conduct of his or her  
8 official duties; and

9 (6) an auction conducted by an agent, officer, or  
10 employee of the State government or any political  
11 subdivision thereof performing his or her official  
12 duties.

13 (b) Nothing in this Act shall be construed to apply to a  
14 new or used vehicle dealer or a vehicle auctioneer licensed  
15 by the Secretary of State of Illinois, or to any employee of  
16 the licensee, who is a resident of the State of Illinois,  
17 while the employee is acting in the regular scope of his or  
18 her employment for the licensee while conducting an auction  
19 that is not open to the public, provided that only new or  
20 used vehicle dealers licensed by the Secretary of State or  
21 licensed by another jurisdiction may buy property at the  
22 auction ~~or through the licensee.~~

23 (c) Nothing in this Act shall be construed to prohibit a  
24 person under the age of 18 from selling property under \$250  
25 in value while under the direct supervision of a licensed  
26 auctioneer.

27 (Source: P.A. 91-603, eff. 1-1-00.)

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law."