

AN ACT concerning regulation.

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

Section 5. The Regulatory Sunset Act is amended by changing Sections 4.37 and 4.42 as follows:

(5 ILCS 80/4.37)

Sec. 4.37. Acts and Articles repealed on January 1, 2027.
The following are repealed on January 1, 2027:

The Clinical Psychologist Licensing Act.

The Illinois Optometric Practice Act of 1987.

Articles II, III, IV, V, VI, VIIA, VIIC, XVII, XXXI, and
XXXI 1/4 of the Illinois Insurance Code.

The Boiler and Pressure Vessel Repairer Regulation Act.

The Marriage and Family Therapy Licensing Act.

The Boxing and Full-contact Martial Arts Act.

~~The Cemetery Oversight Act.~~

~~The Community Association Manager Licensing and
Disciplinary Act.~~

~~The Detection of Deception Examiners Act.~~

~~The Home Inspector License Act.~~

The Massage Licensing Act.

The Medical Practice Act of 1987.

The Petroleum Equipment Contractors Licensing Act.

The Radiation Protection Act of 1990.

~~The Real Estate Appraiser Licensing Act of 2002.~~

~~The Registered Interior Designers Act.~~

~~The Landscape Architecture Registration Act.~~

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

The Licensed Certified Professional Midwife Practice Act.

(Source: P.A. 102-20, eff. 6-25-21; 102-284, eff. 8-6-21; 102-437, eff. 8-20-21; 102-656, eff. 8-27-21; 102-683, eff. 10-1-22; 102-813, eff. 5-13-22; 103-371, eff. 1-1-24; 103-823, eff. 8-9-24.)

(5 ILCS 80/4.42)

Sec. 4.42. Acts repealed on January 1, 2032. The following Acts are repealed on January 1, 2032:

The Cemetery Oversight Act.

The Collateral Recovery Act.

The Community Association Manager Licensing and Disciplinary Act.

The Detection of Deception Examiners Act.

The Home Inspector License Act.

The Landscape Architecture Registration Act.

The Real Estate Appraiser Licensing Act of 2002.

The Registered Interior Designers Act.

(Source: P.A. 103-371, eff. 1-1-24.)

Section 10. The Auction License Act is amended by changing Sections 5-10, 10-1, 10-30, 10-40, 10-45, 15-15, 15-25, 20-15, 20-15.1, 20-16, 20-20, 20-30, 20-35, 20-40, 20-43, 20-55, 20-56, 25-110, and 30-7 as follows:

(225 ILCS 407/5-10)

(Section scheduled to be repealed on January 1, 2030)

Sec. 5-10. Definitions. As used in this Act:

"Advertisement" means any written, oral, or electronic communication that contains a promotion, inducement, or offer to conduct an auction or offer to provide an auction service, including but not limited to brochures, pamphlets, radio and television scripts, telephone and direct mail solicitations, electronic media, Internet online, and other means of promotion.

"Advisory Board" or "Board" means the Auctioneer Advisory Board.

"Auction" means the sale or lease of property, real or personal, by means of exchanges between an auctioneer and prospective purchasers or lessees, which consists of a series of invitations or bids for offers made by the auctioneer to prospective purchasers or lessees for the purpose of obtaining an acceptable offer for the sale or lease of property. ~~via mail, telecommunications, or the Internet online.~~

"Auction contract" means a written agreement between an auctioneer or auction firm and a seller or sellers.

"Auction firm" means any corporation, partnership, or limited liability company that ~~acts as an auctioneer and~~ provides an auction service.

"Auction school" means any educational institution, public or private, that offers a curriculum of auctioneer education and training approved by the Department.

"Auction service" means the service of arranging, managing, advertising, or conducting auctions.

"Auctioneer" means a person or entity who, for another, for a fee, compensation, commission, or any other valuable consideration at auction or with the intention or expectation of receiving valuable consideration by the means of or process of an auction or sale at auction or providing an auction service, offers, negotiates, or attempts to negotiate an auction contract, sale, purchase, or exchange of goods, chattels, merchandise, personal property, real property, or any commodity that may be lawfully kept or offered for sale by or at auction.

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

"Buyer premium" means any fee or compensation paid by the successful purchaser of property sold or leased at or by auction, to the auctioneer, auction firms, seller, lessor, or other party to the transaction, other than the purchase price.

"Department" means the Department of Financial and

Professional Regulation.

"Division" means the Division of Real Estate within the Department.

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department's licensure maintenance unit.

"Estate sale" means a sale for liquidation of personal property of an estate owned by one or more individuals, families, or legal representatives of the estate that is advertised and scheduled for a predetermined amount of time and to which the public is invited to participate in a negotiation or bid for the purchase of the personal property.

"Estate sale service" means the performance of an auction service for the owners of personal property to be sold at an estate sale, where an auctioneer undertakes the responsibility of conducting the sale. "Estate sale service" does not include the sale of real property.

"Goods" means chattels, movable goods, merchandise, or personal property or commodities of any form or type that may be lawfully kept or offered for sale.

"Interactive computer service" means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet.

"Internet auction listing service" means a website on the Internet, or other interactive computer service, that is designed to allow or advertise as a means of allowing users to offer personal property or services for sale or lease to a prospective buyer or lessee through an online bid submission process using that website or interactive computer service and that does not examine, set the price, prepare the description of the personal property or service to be offered, or in any way utilize the services of a natural person as an auctioneer.

"Licensee" means any person licensed under this Act.

"Managing auctioneer" means any person licensed as an auctioneer who manages and supervises an auction firm ~~licensees~~.

"Online auction" means an auction or auction service conducted by an auctioneer via a website on the Internet, an application, an interactive computer service, or other similar media.

"Person" means an individual, association, partnership, corporation, ~~or~~ limited liability company, or auction firm ~~or the officers, directors, or employees of the same~~.

~~"Pre-renewal period" means the 24 months prior to the expiration date of a license issued under this Act.~~

"Real estate" means real estate as defined in Section 1-10 of the Real Estate License Act of 2000 or its successor Acts.

"Secretary" means the Secretary of Financial and Professional Regulation or the Secretary's ~~his or her~~

designee.

(Source: P.A. 104-145, eff. 1-1-26.)

(225 ILCS 407/10-1)

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

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

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

(1) an auction conducted solely by or for a not-for-profit organization for charitable purposes in which the individual receives no compensation;

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

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

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

(5) an auction conducted by an agent, officer, or

employee of a federal agency in the conduct of the agent's, officer's, or employee's ~~his or her~~ official duties; and

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

(b) Nothing in this Act shall be construed to apply to a new or used vehicle dealer or a vehicle auctioneer licensed by the Secretary of State of Illinois, or to any employee of the licensee, who is a resident of the State of Illinois, while the employee is acting in the regular scope of ~~his or her~~ employment for the licensee while conducting an auction that is not open to the public, provided that only new or used vehicle dealers, rebuilders, automotive parts recyclers, or scrap processors licensed by the Secretary of State or licensed by another state or jurisdiction may buy property at the auction, or to sales by or through the licensee. Out-of-state salvage vehicle buyers licensed in another state or jurisdiction may also buy property at the auction.

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

(d) Nothing in this Act shall be construed to apply to a person providing an Internet auction listing service as defined in Section 5-10.

(e) Nothing in this Act shall be construed to apply to a third-party reseller of personal property where owners or representatives of an estate have transferred ownership of the property to the reseller to be sold anonymously. A third-party reseller may include, but is not limited to, a retail seller, a consignment seller, or a distributor who does not conduct an estate sale.

(f) Nothing in this Section shall be construed to apply to any person as a receiver, trustee in bankruptcy, guardian, administrator, or executor; any such person acting under an order of any court, under the direction of any public authority, or pursuant to any judicial decree; or any such person acting pursuant to a trust agreement, deed of trust, or will.

(g) The licensing of auction firms required under this Act does not apply to an entity whose ownership structure consists of one licensed auctioneer operating either (i) a sole proprietorship, a single member limited liability company, or a single shareholder corporation, or (ii) a limited liability company, corporation, or partnership co-owned solely with the auctioneer's unlicensed spouse. The auctioneer owner or operator must be the only licensee performing auctions on the entity's behalf and shall comply with all other provisions of this Act.

(Source: P.A. 104-145, eff. 1-1-26.)

(225 ILCS 407/10-30)

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

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

(a) License expiration dates, renewal periods, renewal fees, and procedures for renewal of licenses issued under this Act shall be set by rule of the Department. The holder of a license under this Act may renew the license within 90 days preceding the license's expiration date by completing and submitting to the Department a renewal application in a manner prescribed by the Department and paying the required fees. ~~An entity may renew its license by paying the required fee and by meeting the renewal requirements adopted by the Department under this Section.~~

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

(c) (Blank). ~~The Department, in its discretion, may waive enforcement of the continuing education requirements of this Section and shall adopt rules defining the standards and~~

~~criteria for such waiver.~~

(c-5) The expiration date and renewal period for an auction firm shall be set by rule. An auction firm whose license under this Act has expired may renew the license for a period of 2 years following the expiration date by complying with the requirements of this Section and paying any late penalties established by rule.

(d) (Blank) .

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

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

(Source: P.A. 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

(225 ILCS 407/10-40)

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

Sec. 10-40. Expiration, renewal, and restoration
~~Restoration.~~

(a) An auctioneer ~~A licensee~~ whose license has lapsed or expired shall have 2 years from the expiration date to renew the license ~~restore licensure~~ without examination. The ~~expired~~ licensee shall complete an ~~make~~ application to the Department ~~on forms provided by the Department,~~ provide evidence of successful completion of all ~~12~~ hours of approved continuing education during the period of time the license had lapsed, and pay all fees and penalties as established by rule.

(a-5) An auctioneer whose license has lapsed or expired for more than 2 years but less than 5 years may restore the license without examination by (i) applying to the Department, (ii) providing evidence of the licensee's successful completion of all hours of approved continuing education during the lapsed periods prior to the date of the application, (iii) paying the required fees, and (iv) satisfying any other requirements as established by rule. An auctioneer whose license has been expired for more than 5 years shall be required to meet the requirements of a new license.

(b) Notwithstanding any other provisions of this Act to the contrary, any auctioneer ~~licensee~~ whose license under this Act has expired is eligible to renew or restore such license without paying any lapsed fees and penalties if the license expired while the auctioneer ~~licensee~~ was:

(1) on active duty with the United States Army, United States Marine Corps, United States Navy, United States Air

Force, United States Coast Guard, the State Militia called into service or training;

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

(3) serving as an employee of the Department, while the employee was required to surrender the license.

An auctioneer ~~A licensee~~ shall also be eligible to renew ~~restore~~ a license under paragraphs (1), (2), and (3) without completing the continuing education requirements for ~~that licensure period.~~ For a period of 2 years following the termination of the service or education if the termination was by other than dishonorable discharge and the licensee furnishes the Department with an affidavit specifying that the licensee has been so engaged.

(c) At any time after the suspension, revocation, placement on probationary status, or other disciplinary action taken under this Act with reference to any license, the Department may restore the license to the licensee without examination upon the order of the Secretary, if the licensee submits a properly completed application, pays the appropriate fees, and otherwise complies with the conditions of the order.

(d) An auctioneer who notifies the Department, in a manner prescribed by the Department, may place a license on inactive status for a period not to exceed 2 years and shall be excused from the payment of renewal fees until the auctioneer notifies

the Department in writing of the auctioneer's intention to resume active practice.

(e) An auctioneer requesting that a license be changed from inactive to active status shall be required to pay the current renewal fee and shall also demonstrate compliance with the continuing education requirements.

(f) No licensee with a nonrenewed or inactive license status shall provide auction services as set forth in this Act.

(Source: P.A. 103-236, eff. 1-1-24.)

(225 ILCS 407/10-45)

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

Sec. 10-45. Nonresident auctioneer reciprocity.

(a) An individual ~~A person~~ holding a license to engage in auctions issued to the individual ~~him or her~~ by the proper authority of a state, territory, or possession of the United States of America or the District of Columbia that has licensing requirements equal to or substantially equivalent to the requirements of this State and that otherwise meets the requirements of this Act may obtain a license under this Act without examination if:

(1) the Department has entered into a valid reciprocal agreement with the proper authority of the state, territory, or possession of the United States of America or the District of Columbia from which the nonresident

applicant has a valid license;

(2) the applicant provides the Department with a certificate of good standing from the applicant's state of licensure;

(3) the applicant completes and submits an application as provided by the Department; and

(4) the applicant pays all applicable fees required under this Act.

(b) A nonresident applicant shall file an irrevocable consent with the Department that actions may be commenced against the applicant or nonresident licensee in a court of competent jurisdiction in this State by the service of summons, process, or other pleading authorized by the law upon the Secretary. The consent shall stipulate and agree that service of the process, summons, or pleading upon the Secretary shall be taken and held in all courts to be valid and binding as if actual service had been made upon the applicant in Illinois. If a summons, process, or other pleading is served upon the Secretary, it shall be by duplicate copies, one of which shall be retained by the Department and the other immediately forwarded by certified or registered mail or email to the last known business address or email address of record of the applicant or nonresident licensee against whom the summons, process, or other pleading may be directed.

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

(225 ILCS 407/15-15)

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

Sec. 15-15. Supervisory duties. The auction firm and managing auctioneer shall have the duty and responsibility to supervise and ~~manage, and control~~ any ~~sponsored~~ licensee, agent, ~~or~~ employee, or representative of the auction firm who conducts auctions while conducting an auction or provides ~~providing an auction services service~~. Any violation of this Act by a licensee, agent, or employee of an auction firm or managing auctioneer shall be deemed to be a violation by the auction firm or managing auctioneer as well as by the licensee, agent, or employee.

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

(225 ILCS 407/15-25)

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

Sec. 15-25. Auction firm. No corporation, limited liability company, or partnership shall be licensed as an auction firm without being managed by a licensed auctioneer. The auction firm and managing auctioneer of the ~~any~~ auction firm shall be responsible for the actions of all licensed and unlicensed employees, agents, and representatives of said auction firm while the firm conducts auctions ~~is conducting an auction~~ or provides ~~providing an auction services service~~.

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

(225 ILCS 407/20-15)

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

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

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

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

(3) Conviction of or entry of a plea of guilty or nolo contendere, as set forth in subsection (c) of Section 10-5, to any crime that is a felony or misdemeanor under the laws of the United States or any state or territory thereof, or entry of an administrative sanction by a governmental ~~government~~ agency in this State or any other jurisdiction.

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

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

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

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

(7) Attempting to subvert or cheat on the auctioneer exam or any continuing education exam, or aiding or abetting another to do the same.

(8) Directly or indirectly giving to or receiving from a person, firm, corporation, partnership, or association a

fee, commission, rebate, or other form of compensation for professional service not actually or personally rendered, except that an auctioneer licensed under this Act may receive a fee from another licensed auctioneer from this State or jurisdiction for the referring of a client or prospect for auction services to the licensed auctioneer.

(9) Making any substantial misrepresentation or untruthful advertising.

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

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

(12) Any misleading or untruthful advertising⁷ or using any trade name or insignia of membership in any auctioneer association or organization of which the licensee is not a member.

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

(14) Failure to account for, remit, or return any moneys, property, or documents coming into the licensee's possession that belong to others, acquired through the practice of auctioneering, conducting an auction, or providing an auction service within 30 days of the written request from the owner of said moneys, property, or

documents.

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

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

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

(18) Failing to voluntarily furnish copies of all written instruments or executed documents prepared by the auctioneer and signed by all parties to all parties at the time of execution.

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

(20) Engaging in any act that constitutes a violation of the Illinois Human Rights Act.

(21) (Blank) .

(22) Engaging in dishonorable, unethical, or

unprofessional conduct of a character likely to deceive, defraud, or harm the public.

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

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

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

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

(27) Inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug, which may result in

significant harm to the public.

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

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

(Source: P.A. 103-236, eff. 1-1-24; 104-417, eff. 8-15-25.)

(225 ILCS 407/20-15.1)

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

Sec. 20-15.1. Citations.

(a) The Department may adopt rules to permit the issuance of citations to any licensee for failure to comply with the continuing education requirements set forth in this Act or as established by rule. The citation shall be issued to the licensee and shall contain the licensee's name and address, the licensee's license number, the number of required hours of continuing education that have not been successfully completed on or before ~~by the licensee's license within the~~ renewal deadline ~~period~~, and the penalty imposed, which shall not exceed \$2,000. The issuance of any such citation shall not excuse the licensee from completing all continuing education required for that term of licensure ~~renewal period~~.

(b) Service of a citation shall be made in person, electronically, or by mail to the licensee at the licensee's address of record or email address of record, and must clearly

state that if the cited licensee wishes to dispute the citation, they may make a written request, within 30 days after the citation is served, for a hearing before the Department. If the cited licensee does not request a hearing within 30 days after the citation is served, then ~~the citation shall become~~ a final, non-disciplinary order shall be entered, and any fine imposed is due and payable within 30 ~~60~~ days after the entry of that final order. If the cited licensee requests a hearing within 30 days after the citation is served, the Department shall afford the cited licensee a hearing conducted in the same manner as a hearing provided for in this Act for any violation of this Act and shall determine whether the cited licensee committed the violation as charged and whether the fine as levied is warranted. If the violation is found, any fine shall constitute non-public discipline and be due and payable within 30 days after the order of the Secretary, which shall constitute a final order of the Department. No change in license status may be made by the Department until a final order of the Department has been issued.

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

(d) Nothing in this Section shall prohibit or limit the Department from taking further action pursuant to this Act and

rules for additional, repeated, or continuing violations.

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

(225 ILCS 407/20-16)

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

Sec. 20-16. Illegal discrimination.

(a) When there has been an adjudication in a civil or criminal proceeding that a licensee has illegally discriminated while engaged in any activity for which a license is required under this Act, the Department, following the provision of notice to the licensee and a hearing conducted in accordance with Section 20-43 and upon the recommendation of the Board as to the extent of the suspension or revocation, shall suspend or revoke the license of that licensee in a timely manner, unless the adjudication is in the appeal process. The finding or judgment of the civil or criminal proceeding is a matter of record and the merits of the finding or judgment shall not be challenged in a request for a hearing by the licensee.

(b) When there has been an order in an administrative proceeding finding that a licensee has illegally discriminated while engaged in any activity for which a license is required under this Act, the Department, following the provision of notice to the licensee and a hearing conducted in accordance with Section 20-43 and upon recommendation of the Board as to the nature and extent of the discipline, shall take one or more

of the disciplinary actions provided for in this Act ~~Section 20-15~~ in a timely manner, unless the administrative order is in the appeal process. The finding of the administrative order is a matter of record and the merits of the administrative order shall not be challenged in a request for a hearing by the licensee.

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

(225 ILCS 407/20-20)

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

Sec. 20-20. Suspension ~~Termination~~ without hearing for failure to pay taxes, ~~or~~ child support, or workers' compensation obligations. The Department may suspend ~~terminate~~ or otherwise deny discipline any license issued under this Act without hearing if the following ~~appropriate~~ administering agency provides adequate information and proof that the licensee has:

(1) failed to file a return, to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of tax, penalty, or interest, as required by any tax act administered by the Illinois Department of Revenue until the requirements of the tax Act ~~act~~ are satisfied;

(2) failed to pay any court ordered child support as determined by a court order or by referral from the Department of Healthcare and Family Services (formerly

Illinois Department of Public Aid); ~~or~~

(3) (blank); or;

(4) failed to pay or secure workers' compensation obligations as determined by and based solely upon the certification of the Department of Insurance or the Illinois Workers' Compensation Commission.

If a license is suspended ~~terminated~~ or otherwise denied ~~disciplined~~ pursuant to this Section, the licensee may request a hearing conducted pursuant to the Civil Administrative Code of Illinois ~~as provided by this Act within 30 days of notice of termination or discipline.~~ The Department may issue a license or lift the suspension of a license if satisfactory repayment or obligation is determined by the respective State agency.

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

(225 ILCS 407/20-30)

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

Sec. 20-30. Consent orders. Notwithstanding any provisions concerning the conduct of hearings and recommendations for disciplinary actions, the Department has the authority to negotiate agreements with licensees and applicants resulting in disciplinary consent orders. The consent orders may provide for any form of discipline provided for in this Act. The consent orders shall provide that they were not entered into as a result of any coercion by the Department. Any consent order shall be accepted by or rejected by the Secretary or

designee in a timely manner.

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

(225 ILCS 407/20-35)

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

Sec. 20-35. Subpoenas; attendance of witnesses; oaths.

(a) The Department shall have the power to issue subpoenas duces tecum ~~ad testificandum~~ (subpoena for documents) and to bring before it any persons and to take testimony, either orally or by deposition or both, with the same fees and mileage and in the same manner as prescribed in civil cases in the courts of this State. The Department shall have the power to issue subpoenas duces tecum and to bring before it any documents, papers, files, books, and records with the same costs and in the same manner as prescribed in civil cases in the courts of this State.

(b) Any circuit court may, upon application of the Department or its designee or of the applicant, licensee, or person holding a certificate of licensure against whom proceedings under this Act are pending, enter an order compelling the enforcement of any Department subpoena issued in connection with any hearing or investigation.

(c) The Secretary or the Secretary's ~~his or her~~ designee or the Board shall have power to administer oaths to witnesses at any hearing that the Department is authorized to conduct and any other oaths authorized in any Act administered by the

Department.

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

(225 ILCS 407/20-40)

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

Sec. 20-40. Hearings; record of hearings.

(a) The Department shall have the authority to conduct hearings on proceedings to revoke, suspend, place on probation ~~or administrative review~~, reprimand, or refuse to issue or renew any license under this Act or to impose a civil penalty not to exceed \$10,000 upon any licensee under this Act.

(b) The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case. The notice of hearing, complaint, all other documents in the nature of pleadings, written motions filed in the proceedings, the transcripts of testimony, the report of the Board, and orders of the Department shall be in the record of the proceeding. The Department shall furnish a transcript of such record to any person interested in such hearing upon payment of the fee required under Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois ~~(20 ILCS 2105/2105-115)~~.

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

(225 ILCS 407/20-43)

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

Sec. 20-43. Investigations; notice and hearing. The Department may investigate the actions or qualifications of any person who is an applicant, unlicensed person, or person rendering or offering to render auction services, or holding or claiming to hold a license as a licensed auctioneer. At least 30 days before any disciplinary hearing under this Act, the Department shall: (i) notify the person charged in writing of the charges made and the time and place of the hearing; (ii) direct the person to file ~~with the Board~~ a written answer under oath to the charges within 20 days of receiving service of the notice; and (iii) inform the person that, if the person fails to file an answer to the charges within 20 days of receiving service of the notice, default may be entered and the license may be suspended, revoked, placed on probationary status, or have other disciplinary action taken with regard to the license as the Department may consider proper, including, but not limited to, limiting the scope, nature, or extent of the licensee's practice, or imposing a fine.

At the time and place of the hearing fixed in the notice, the Department ~~Board~~ shall proceed to hear the charges, and the person or person's counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments in the person's defense. The Department ~~Board~~ may continue the hearing when it deems it appropriate. If the person, after receiving the notice, fails to file an answer, the license may, in the discretion of the

Department, be revoked, suspended, placed on probationary status, or the Department may take whatever disciplinary actions considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act.

Notice of the hearing may be served by certified mail, or, at the discretion of the Department, by an electronic means to the person's most recent ~~last known~~ address or email address of record provided to the Department or, if in the course of the administrative proceeding the party has previously designated a specific email address at which to accept electronic service for that specific proceeding, by sending a copy by email to the party's email address on record.

(Source: P.A. 103-236, eff. 1-1-24.)

(225 ILCS 407/20-55)

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

Sec. 20-55. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue, restore, or renew a license or to discipline a licensee. The hearing officer has full authority to conduct the hearing. Any Board member may attend hearings. The hearing officer shall report his or her findings of fact, conclusions of law, and

recommendations to the Board. The Board shall have 90 days after the date of receipt of ~~review~~ the report of the hearing officer to ~~and~~ present its findings of fact, conclusions of law, and recommendations to the Secretary and to all parties to the proceedings.

If the Secretary disagrees with the recommendations of the Board or hearing officer, the Secretary may issue an order in contravention of the ~~Board's~~ recommendations.

If the Board fails to present its findings of fact, conclusions of law, and recommendations within the 90-day time period, the Department may request in writing a direct appeal to the Secretary and the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If the Board fails to present its findings of fact, conclusions of law, and recommendations within the 90-day time period after receiving an Order of Default, the Department may request in writing a direct appeal to the Secretary.

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

(225 ILCS 407/20-56)

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

Sec. 20-56. Board; rehearing. At the conclusion of the hearing, a copy of the Board's report shall be served upon the applicant, licensee, or unlicensed person by the Department,

either personally or as provided in this Act for the service of a notice of hearing. Within 20 days after service, the person ~~applicant or licensee~~ may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or if a motion for rehearing is denied, then upon denial, the Secretary may enter an order in accordance with recommendations of the Board. If the applicant or licensee orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee.

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

(225 ILCS 407/25-110)

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

Sec. 25-110. Licensing of auction schools.

(a) Only an auction school licensed by the Department may provide the continuing education courses required for licensure under this Act.

(b) An auction school may also provide the course required to obtain the real estate auction certification in Section 5-32 of the Real Estate License Act of 2000. The course shall be approved by the Department upon the recommendation of the

Real Estate Administration and Disciplinary Board pursuant to Section 25-10 of the Real Estate License Act of 2000.

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

- (1) a sound financial base for establishing, promoting, and delivering the necessary courses;
- (2) a sufficient number of qualified instructors;
- (3) adequate support personnel to assist with administrative matters and technical assistance;
- (4) a qualified school administrator⁷ who is responsible for the administration of the school, courses, and the actions of the instructors;
- (5) proof of good standing with the Secretary of State and authority to conduct business in this State; and
- (6) any other requirements provided by rule.

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

(e) An auction school shall provide each successful course

participant with a certificate of completion signed by the school administrator. The format and content of the certificate shall be specified by rule.

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

(Source: P.A. 103-236, eff. 1-1-24; revised 6-24-25.)

(225 ILCS 407/30-7)

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

Sec. 30-7. Department; powers and duties.

(a) The Department shall exercise the powers and duties prescribed by the Civil Administrative Code of Illinois for the administration of licensing acts and shall exercise such other powers and duties as are prescribed by this Act. The Department may contract with third parties for services necessary for the proper administration of this Act.

(b) The Department shall have the authority to audit or inspect any electronic or physical record, account, document, book, form, or file required to be created or maintained by this Act. The Department may adopt rules and establish necessary requirements for the implementation of this subsection (b).

(Source: P.A. 96-730, eff. 8-25-09.)

(225 ILCS 407/20-85 rep.)

Section 15. The Auction License Act is amended by repealing Section 20-85.

Section 20. The Registered Interior Designers Act is amended by changing Sections 3, 4, 4.5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 18, 19, 27, and 30 as follows:

(225 ILCS 310/3) (from Ch. 111, par. 8203)

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

Sec. 3. Definitions. As used in this Act:

"Accredited institution" means an institution accredited by the Council for Interior Design Accreditation, an accreditation body recognized by the United States Department of Education, or a curriculum or transcript approved by the Board per a registration applicant's application.

"Address of record" means the designated address recorded by the Department in the applicant's application file or the registrant's registration file as maintained by the Department's licensure maintenance unit.

"Board" means the Board of Registered Interior Design Professionals established under Section 6 of this Act.

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

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the registrant's registration file as

maintained by the Department's licensure maintenance unit.

"Interior technical submissions" means the designs, drawings, and specifications that establish the scope of the interior design to be constructed, the standard of quality for materials, workmanship, equipment, and construction systems, and the studies and other technical reports and calculations prepared in the course of the practice of registered interior design.

"Practice of registered interior design" means the design of interior spaces as a part of an interior alteration or interior construction project in conformity with public health, safety, and welfare requirements, including the preparation of documents relating to building code descriptions, project egress plans that require no increase in capacity of exits in the space affected, space planning, finish materials, furnishings, fixtures, equipment, and the preparation of documents and interior technical submissions relating to interior construction. "Practice of registered interior design" does not include:

- (1) The practice of structural engineering as defined in the Structural Engineering Practice Act of 1989, the practice of professional engineering as defined in the Professional Engineering Practice Act of 1989, or the practice of land surveying as defined in the Illinois Professional Land Surveyor Act of 1989.

- (2) Services that constitute the practice of

architecture as defined in the Illinois Architecture Practice Act of 1989, except as provided in this Act.

(3) Altering or affecting the structural system of a building, including changing the building's live or dead load on the structural system.

(4) Changes to the building envelope, including exterior walls, exterior wall coverings, exterior wall openings, exterior windows and doors, architectural trim, balconies and similar projections, bay and oriel windows, roof assemblies and rooftop structures, and glass and glazing for exterior use in both vertical and sloped applications in buildings and structures.

(5) Altering or affecting the mechanical, plumbing, heating, air conditioning, ventilation, electrical, vertical transportation, fire sprinkler, or fire alarm systems.

(6) Changes beyond the exit access component of a means of egress system.

(7) Construction that materially affects life safety systems pertaining to fire safety or the fire protection of structural elements, or alterations to smoke evacuation and compartmentalization systems or to fire-rated vertical shafts in multistory structures.

(8) Changes of use to an occupancy of greater hazard as determined by the International Building Code.

(9) Changes to the construction classification of the

building or structure according to the International Building Code.

"Public member" means a person who is not a registered interior designer, educator in the field, architect, structural engineer, ~~or professional engineer. For purposes of board membership, any,~~ or a person who does not have any with a significant financial interest in the design or construction services service or the design or construction professions ~~profession is not a public member.~~

"Registered interior designer" means a person who has received registration under Section 8 of this Act. A person represents oneself ~~himself or herself~~ to be a "registered interior designer" within the meaning of this Act by holding oneself ~~if he or she holds himself or herself~~ out to the public by any title incorporating the words "registered interior designer" or any title that includes the words "registered interior design".

"Responsible control" means the amount of control over detailed professional knowledge of the content of interior technical submissions during the preparation as is ordinarily exercised by registered interior designers applying the required professional standard of care. Merely reviewing or reviewing and correcting an interior technical submission or any portion thereof prepared by those not in the regular employment of the office where the registered interior designer is a resident without control over the content of

such work throughout its preparation does not constitute responsible control.

"Secretary" means the Secretary of Financial and Professional Regulation.

(Source: P.A. 102-20, eff. 1-1-22; 102-1066, eff. 1-1-23; 103-154, eff. 6-30-23.)

(225 ILCS 310/4) (from Ch. 111, par. 8204)

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

Sec. 4. Title; application of Act.

(a) No individual shall, without a valid registration as a registered interior designer issued by the Department, in any manner hold oneself ~~himself or herself~~ out to the public as a registered interior designer or attach the title "registered interior designer" or any other name or designation which would in any way imply that the person ~~he or she~~ is able to use the title "registered interior designer" as defined in this Act.

(a-5) Nothing in this Act shall be construed as preventing or restricting the services offered or advertised by an interior designer who is registered under this Act.

(b) Nothing in this Act shall prevent the employment, by a registered interior designer association, partnership, or a corporation furnishing interior design services for remuneration, of persons not registered as interior designers to perform services in various capacities as needed, provided

that the persons do not represent themselves as, or use the title of, "registered interior designer".

(c) Nothing in this Act shall be construed to limit the activities and use of the title "interior designer" on the part of a person not registered under this Act who is a graduate of an interior design program and a full-time employee of a duly chartered institution of higher education insofar as such person engages in public speaking, with or without remuneration, provided that such person does not represent oneself ~~himself or herself~~ to be a registered interior designer or use the title "registered interior designer".

(d) Nothing contained in this Act shall restrict any person not registered under this Act from carrying out any of the activities listed in the definition of "practice of registered interior design" ~~"the profession of interior design"~~ in Section 3 if such person does not represent oneself ~~himself or herself~~ or the person's ~~his or her~~ services in any manner prohibited by this Act.

(e) Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of any person licensed in this State under any other law from engaging in the profession or occupation for which that person ~~he or she~~ is licensed.

(f) Nothing in this Act shall be construed as preventing or restricting the practice, services, or activities of

engineers licensed under the Professional Engineering Practice Act of 1989 or the Structural Engineering Practice Act of 1989; architects licensed pursuant to the Illinois Architectural Practice Act of 1989; any interior decorator or individual offering interior decorating services including, but not limited to, the selection of surface materials, window treatments, wall coverings, furniture, accessories, paint, floor coverings, and lighting fixtures; or builders, home furnishings salespersons, and similar purveyors of related goods and services ~~relating to homemaking~~.

(g) Nothing in this Act or any other Act shall prevent a licensed architect from practicing interior design services. Nothing in this Act shall be construed as requiring the services of a registered interior designer for the interior designing of a single family residence.

(h) Nothing in this Act shall authorize registered interior designers to perform services, including life safety services that they are prohibited from performing, or any practice: (i) that is restricted in the Professional Engineering Practice Act of 1989, the Professional Land Surveyor Act of 1989, or ~~of~~ the Structural Engineering Practice Act of 1989; (ii) that is restricted in the Illinois Architecture Practice Act of 1989, except as provided in this Act; or (iii) that they are not authorized to perform under the Environmental Barriers Act, except as provided in this Act.

(i) Nothing in this Act shall authorize registered

interior designers to advertise services that they are prohibited to perform, including architecture or engineering services, nor to use the title "architect" in any form.

(j) Nothing in this Act shall be construed as preventing or restricting persons from engaging in professional services limited to the design of kitchen and bath spaces or the specification of products for kitchen and bath areas in noncommercial settings.

(Source: P.A. 102-20, eff. 1-1-22; 102-1066, eff. 1-1-23.)

(225 ILCS 310/4.5)

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

Sec. 4.5. Unregistered practice; violation; civil penalty.

(a) Any person who holds oneself ~~himself or herself~~ out to be a registered interior designer without being registered under this Act shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$5,000 for each offense as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a registrant.

(b) The Department has the authority and power to investigate any illegal use of the title of registered interior designer.

(c) The civil penalty shall be paid within 60 days after

the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and execution had thereon in the same manner as any judgment from any court of record.

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

(225 ILCS 310/6) (from Ch. 111, par. 8206)

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

Sec. 6. Board of Registered Interior Design Professionals. The Secretary shall appoint a Board of Registered Interior Design Professionals consisting of 5 members who shall serve in an advisory capacity to the Secretary. All members of the Board shall be residents of Illinois. Four members shall (i) hold a valid registration as an interior designer in Illinois and have held the registration under this Act for the preceding 10 years; and (ii) not have been disciplined within the preceding 10 years under this Act. In addition to the 4 registered interior designer members, there shall be one public member. The public member shall be a voting member and shall not be licensed or registered under this Act or any other design profession licensing Act that the Department administers.

Board members shall serve 5-year terms and until their successors are appointed and qualified. In appointing members to the Board, the Secretary shall give due consideration to recommendations by members and organizations of the interior

design profession.

The membership of the Board should reasonably reflect representation from the geographic areas in this State.

No member shall be reappointed to the Board for a term that would cause his or her continuous service on the Board to be longer than 2 consecutive 5-year terms.

Appointments to fill vacancies shall be made in the same manner as original appointments for the unexpired portion of the vacated term.

Three members of the Board shall constitute a quorum. A quorum is required for Board decisions.

The Secretary may remove any member of the Board for cause at any time. The Secretary shall be the sole arbiter of cause.
~~misconduct, incompetence, or neglect of duty or for reasons prescribed by law for removal of State officials.~~

The Secretary may remove a member of the Board who does not attend 2 consecutive meetings.

~~Notice of proposed rulemaking may be transmitted to the Board and the Department may review the response of the Board and any recommendations made therein. The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.~~

Members of the Board are not liable for damages in any action or proceeding as a result of activities performed as members of the Board, except upon proof of actual malice.

Members of the Board shall be reimbursed for all legitimate, necessary, and authorized expenses.

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

(225 ILCS 310/7) (from Ch. 111, par. 8207)

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

Sec. 7. Board recommendations. The Secretary may ~~shall~~ consider the recommendations of the Board in establishing guidelines for professional conduct, for the conduct of formal disciplinary proceedings brought under this Act, and for establishing guidelines for qualifications of applicants. Notice of proposed rulemaking may be transmitted to the Board and the Department shall review the response of the Board and any recommendations made in their response. The Department, at any time, may seek the expert advice and knowledge of the Board on any matter relating to the administration or enforcement of this Act.

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

(225 ILCS 310/8) (from Ch. 111, par. 8208)

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

Sec. 8. Application requirements for registration.

(a) Each applicant for registration shall apply to the Department in writing on a form or electronically as provided by the Department. The Department may require an applicant, at the applicant's expense, to have an evaluation of the

applicant's education in a foreign country by a nationally recognized evaluation service approved by the Department in accordance with the rules adopted by the Department. Except as otherwise provided in this Act, each applicant shall take and pass the examination approved by the Department. Prior to registration, the applicant shall provide substantial evidence to the Board that the applicant has completed the education and work experience requirements to sit for the NCIDQ examination administered by the Council for Interior Design Qualification, has successfully passed the NCIDQ examination ~~exam~~, has maintained an active NCIDQ certification, and:

(1) is a graduate of a 5-year interior design or architecture program from an accredited institution and has completed at least 2 years of full-time diversified interior design experience;

(2) is a graduate of a 4-year interior design or architecture program from an accredited institution and has completed at least 2 years of full-time diversified interior design experience;

(3) has completed at least 3 years of interior design or architecture curriculum from an accredited institution and has completed 3 years of full-time diversified interior design experience; or

(4) is a graduate of a 2-year interior design or architecture program from an accredited institution and has completed 4 years of full-time diversified interior

design experience.

(b) (Blank). ~~In addition to providing evidence of meeting the requirements of subsection (a), each applicant for registration as a registered interior designer shall provide substantial evidence that the applicant has successfully completed the examination administered by the Council for Interior Design Qualification.~~

(b-5) Each applicant for registration shall pay to the Department the required registration fee, which is not refundable, at the time of filing the application.

(b-10) Each applicant for renewal or reinstatement of registration under this Act shall have completed continuing education as set forth by the Department by rule. The Department shall consider the recommendations of the Board in establishing requirements for continuing education requirements but shall be no less than 10 hours of continuing education in the areas of health, safety, and welfare every 2 years.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall expire, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.
~~An individual may apply for original registration prior to passing the examination. The individual shall have 3 years after the date of filing an application to pass the~~

~~examination. If evidence and documentation of passing the examination are received by the Department later than 3 years after the individual's filing, the application shall be denied and the fee forfeited. The applicant may reapply at any time, but shall meet the requirements in effect at the time of reapplication.~~

(d) Upon payment of the required fee, which shall be determined by rule, an applicant who is an architect licensed under the laws of this State may, without examination, be granted registration as a registered interior designer by the Department provided the applicant submits proof of an active architectural license in Illinois.

(Source: P.A. 102-1066, eff. 1-1-23; 103-1044, eff. 1-1-25.)

(225 ILCS 310/9) (from Ch. 111, par. 8209)

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

Sec. 9. Expiration; renewal; restoration.

(a) The expiration date and renewal period for each certificate of registration issued under this Act shall be set by rule. A registrant may renew such registration during the month preceding its expiration date by paying the required renewal fee.

(b) Inactive status.

(1) Any registrant who notifies the Department in writing on forms prescribed by the Department may elect to place that person's ~~his or her~~ certificate of registration

on an inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until that person ~~he or she~~ notifies the Department in writing of that person's ~~his or her~~ desire to resume active status.

(2) Any registrant requesting restoration from inactive status shall be required to pay the current renewal fee and shall be required to restore the ~~his or her~~ registration.

(3) Any registrant whose registration is on inactive status shall not use the title "registered interior designer" in the State of Illinois.

(4) Any registrant who uses the title "registered interior designer" while the registrant's ~~his or her~~ certificate of registration is lapsed or inactive shall be considered to be using the title without a registration which shall be grounds for discipline under Section 13 of this Act.

(c) Any registrant whose registration has expired may have the registrant's ~~his or her~~ certificate of registration restored at any time within 5 years after its expiration, upon making application to the Department and payment of the required fee.

(d) Any registrant ~~person~~ whose registration has been expired for more than 5 years may have the registrant's ~~his or her~~ registration restored by making application to the

Department and submitting ~~filing~~ proof acceptable to the Department of the registrant's ~~his or her~~ fitness to have the registrant's ~~his or her~~ registration restored, including, but not limited to, sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department and proof of completion of applicable continuing education, ~~including sworn evidence certifying to active lawful practice in another jurisdiction,~~ and by paying the required restoration fee. A person using the title "registered interior designer" on an expired registration is deemed to be in violation of this Act.

(e) If a person whose certificate of registration has expired has not maintained active status in another jurisdiction, the Department shall determine, by an evaluation process established by rule, that person's ~~his or her~~ fitness to resume active status, including by requiring ~~and may require~~ the person to complete a period of evaluated practical experience, and also requiring ~~may require~~ successful completion of an examination.

(f) Any person whose certificate of registration has expired while that person ~~he or she~~ has been engaged (1) in federal or State service active duty, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have that person's ~~his or her~~ registration restored without paying any lapsed renewal or restoration fee if, within 2 years after

termination of such service, training or education, that person ~~he or she~~ furnishes the Department with satisfactory proof that the person ~~he or she~~ has been so engaged and that the person's ~~his or her~~ service, training, or education has been so terminated.

(g) An individual applying for restoration of a registration shall have 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall expire ~~be denied~~ and the fee forfeited. The applicant may reapply at any time.

(Source: P.A. 100-920, eff. 8-17-18.)

(225 ILCS 310/10) (from Ch. 111, par. 8210)

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

Sec. 10. Endorsement.

(a) Upon payment of the required fee and the filing of an application in writing on a form or electronically as provided by the Department, an applicant who is an interior designer currently registered, certified, or licensed under the laws of another state or territory of the United States or a foreign country or province shall, without further examination, be granted registration as an interior designer by the Department whenever the requirements of such state or territory of the United States or a foreign country or province were, at the date of registration, certification, or licensure,

substantially equal to or greater than the requirements then in force in this State. The Department may adopt rules governing recognition of education and legal practice of the profession in another jurisdiction, requiring additional education, and determining when an examination may be required.

(b) If the accuracy of any submitted documentation or relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given, or a need for clarification, the applicant seeking registration may be required to provide additional information.

(c) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within the 3 years, then the application shall expire ~~be denied~~, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 103-1044, eff. 1-1-25.)

(225 ILCS 310/11) (from Ch. 111, par. 8211)

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

Sec. 11. Fees. The Department shall provide by rule for a schedule of fees for the administration and enforcement of this Act, including but not limited to original registration,

renewal, and restoration. The fees shall be nonrefundable.

~~All fees collected under this Act shall be deposited into the General Professions Dedicated Fund and shall be appropriated to the Department for the ordinary and contingent expenses of the Department in the administration of this Act.~~

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

(225 ILCS 310/12) (from Ch. 111, par. 8212)

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

Sec. 12. Returned checks; penalties. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for prohibited use of a title without a registration or on a nonrenewed registration. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the registration or deny the application, without hearing. If, after termination or denial, the person seeks registration, the person ~~he or she~~ shall apply to the Department for

restoration or issuance of the registration and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a certificate of registration to pay all expenses of processing this application. The Director may waive the fines due under this Section in individual cases where the Director finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 92-146, eff. 1-1-02.)

(225 ILCS 310/14) (from Ch. 111, par. 8214)

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

Sec. 14. Investigations; Notice of hearing. Upon the motion of either the Department or the Board, or upon the verified complaint in writing of any person setting forth facts which, if proven, would constitute grounds for refusal, suspension, or revocation of registration under this Act, the Board shall investigate the actions of any person, hereinafter called the "registrant", who holds or represents that the person ~~he~~ holds a certificate of registration. All such motions or complaints shall be brought to the Board.

The Director shall, before suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Director may deem proper with regard to any registration, at least 30 days prior to the date set for the hearing, notify the registrant in writing of any charges made and the time and place for a hearing on the charges before the

Board. The Board shall also direct the registrant to file ~~a his~~ written answer to the charges with the Board under oath within 20 days after the service on the registrant ~~him~~ of such notice, and inform the registrant ~~him~~ that if the registrant ~~he~~ fails to file such answer, the registrant's ~~his~~ certificate of registration may be suspended, revoked, placed on probationary status or other disciplinary action may be taken with regard thereto, as the Director may deem proper.

The written notice and any notice in such proceeding may be served by delivery personally to the registrant, by email, or by ~~registered or certified~~ mail to the address specified by the registrant in the registrant's ~~his~~ last notification to the Director.

The Department, at its expense, shall preserve a record of all proceedings at the formal hearing of any case involving the refusal to issue or renew a registration, or discipline of a registrant. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of testimony, the report of the Board, and the orders of the Department shall be the record of such proceedings.

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

(225 ILCS 310/15) (from Ch. 111, par. 8215)

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

Sec. 15. Disciplinary actions.

(a) In case the registrant, after receiving notice, fails to file an answer, the registrant's ~~his~~ registration may, in the discretion of the Director, having first received the recommendation of the Board, be suspended, revoked, placed on probationary status, or the Director may take whatever disciplinary action the Director ~~he~~ may deem proper, including the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(b) The Director may temporarily suspend the registration of a registrant without a hearing, simultaneous to the institution of proceedings for a hearing under this Act, if the Director finds that evidence in the Director's ~~his~~ possession indicates that the person's continuation of use of the title would constitute an immediate danger to the public. In the event that the Director temporarily suspends the registration of a registrant without a hearing, a hearing by the Board must be held within 15 days after such suspension has occurred and concluded without appreciable delay.

(Source: P.A. 88-650, eff. 9-16-94.)

(225 ILCS 310/18) (from Ch. 111, par. 8218)

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

Sec. 18. Recommendations for disciplinary action; Action by Director. The Board may advise the Director that probation be granted or that other disciplinary action, including the

limitation of the use of the title, be taken, as it deems proper. If disciplinary action other than suspension or revocation is taken, the Board may advise the Director to impose reasonable limitations and requirements upon the registrant to ensure ~~insure~~ compliance with the terms of the probation or other disciplinary action, including, but not limited to, regular reporting by the registrant to the Director of the registrant's ~~his~~ actions, or the registrant placing oneself ~~himself~~ under the care of a qualified physician for treatment, or limiting the registrant's ~~his~~ use of the title in such manner as the Director may require.

The Board shall present to the Director a written report of its findings and recommendations. A copy of the report shall be served upon the registrant, by email, ~~either~~ personally, or by ~~registered or certified~~ mail. Within 20 days after such service, the registrant may present to the Department the registrant's ~~his~~ motion in writing for a rehearing, specifying the particular grounds for rehearing. If the registrant orders and pays for a transcript of the record, the time elapsing until the transcript is ready for delivery to the registrant ~~him~~ shall not be counted as part of such 20 days.

At the expiration of the time allowed for filing a motion for rehearing, the Director may take the action recommended by the Board. Upon suspension, revocation, placement on probationary status, or the taking of any other disciplinary

action, including the limiting of the use of the title, deemed proper by the Director with regard to the registration, the registrant shall surrender the ~~his~~ certificate of registration to the Department if ordered to do so by the Department. Upon the registrant's ~~his~~ failure or refusal to do so, the Department may seize the certificate of registration.

In all instances in which the Board has rendered a recommendation to the Director with respect to a particular person, the Director shall, to the extent that the Director ~~he~~ disagrees with or takes action contrary to the recommendation of the Board, file with the Board his specific written reasons of disagreement. Such reasons shall be filed within 30 days after the Director has taken the contrary position.

Each order of revocation, suspension, or other disciplinary action shall contain a brief and concise statement of the ground or grounds upon which the Department's action is based, as well as the specific terms and conditions of such action.

Whenever the Director is satisfied that substantial justice has not been done either in an examination or in the revocation, suspension, or refusal to issue a certificate of registration, or other disciplinary action, the Director may order a re-examination or rehearing.

(Source: P.A. 86-1404.)

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

Sec. 19. Hearing officer. The Director has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer for any disciplinary action under this Act. The hearing officer shall have full authority to conduct the hearing. The hearing officer shall report the hearing officer's ~~his~~ findings and recommendations to the Board and the Director. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Director. If the Board fails to present its report within the 60-day ~~60-day~~ period, the Director may issue an order based on the report of the hearing officer. If the Director disagrees in any regard with the Board's report, the Director ~~he~~ may issue an order in contravention of the Board's report.

(Source: P.A. 86-1404.)

(225 ILCS 310/27) (from Ch. 111, par. 8227)

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

Sec. 27. Filing registration or diploma of another. Any person filing, or attempting to file, as the person's ~~his~~ own the diploma or registration of another, or a forged affidavit of identification or qualification, is guilty of a Class 3 felony, and upon conviction is subject to such fine and imprisonment as is made and provided by the statutes of this

State for the crime of forgery.

(Source: P.A. 86-1404.)

(225 ILCS 310/30) (from Ch. 111, par. 8230)

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

Sec. 30. Fund; appropriations; investments; audits. All of the fees collected pursuant to this Act shall be deposited into the Design Professionals Administration and Investigation ~~General Professions Dedicated~~ Fund.

The moneys deposited into ~~in~~ the Design Professionals Administration and Investigation ~~General Professions Dedicated~~ Fund may be used for the expenses of the Department in the administration of this Act.

~~Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105 300 of the Department of Professional Regulation Law.~~

Upon the completion of any audit of the Department as prescribed by the Illinois State Auditing Act that includes an audit of the Design Professionals Administration and Investigation ~~General Professions Dedicated~~ Fund, the Department shall make the audit open to inspection by any interested person. The copy of the audit report required to be submitted to the Department by this Section is in addition to

copies of audit reports required to be submitted to other State officers and agencies by Section 3-14 of the Illinois State Auditing Act.

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

Section 25. The Landscape Architecture Registration Act is amended by changing Sections 10, 20, 23, 25, 30, 33, 34, 48, 50, 55, 60, 70, 80, 85, 95, and 110 as follows:

(225 ILCS 316/10)

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

Sec. 10. Definitions. For purposes of ~~As used in~~ this Act, the following definitions shall have the following meanings, except where the context requires otherwise:

"Address of record" means the designated address recorded by the Department in the applicant's application file or registrant's registration file as maintained by the Department.

"Board" means the Registered Landscape Architecture Registration Board.

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

"Email address of record" means the designated email address of record by the Department in the applicant's application file or registrant's registration file as maintained by the Department's licensure maintenance unit

~~Department.~~

"Landscape architecture" means the art and science of arranging land, together with the spaces and objects upon it, for the purpose of creating a safe, efficient, healthful, and aesthetically pleasing physical environment for human use and enjoyment, as performed by landscape architects.

"Landscape architectural practice" or "practice of landscape architecture" means the offering or furnishing of professional services in connection with a landscape architecture project that do not require the seal of an architect, land surveyor, professional engineer, or structural engineer. These services may include, but are not limited to, providing preliminary studies; developing design concepts; planning for the relationships of physical improvements and intended uses of the site, including the preparation and filing of sketches, drawings, plans, and specifications; establishing form and aesthetic elements; developing those technical details on the site that are exclusive of any building or structure; preparing and administering ~~coordinating~~ technical submissions; and conducting site observation of a landscape architecture project.

"Registered landscape architect" means a person who, based on education, experience, and examination in the field of landscape architecture, is registered under this Act.

"Secretary" means the Secretary of Financial and Professional Regulation. The Secretary may designate the

Secretary's ~~his or her~~ duties under this Act to a designee of the Secretary's ~~his or her~~ choice, including, but not limited to, the Director of Professional Regulation.

(Source: P.A. 102-284, eff. 8-6-21; 103-309, eff. 1-1-24.)

(225 ILCS 316/20)

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

Sec. 20. Seal.

(a) Every registered landscape architect shall have a reproducible seal, which may be computer generated, the impression of which shall contain the name of the registered landscape architect, the registered landscape architect's registration number, and the words "Registered Landscape Architect, State of Illinois". The registered landscape architect shall be responsible for the registered landscape architect's ~~his or her~~ seal and signature as defined by rule.

(b) Notwithstanding the requirements of this Section, an architect, land surveyor, professional engineer, or structural engineer licensed by the Department shall be permitted to affix the architect's, land surveyor's, professional engineer's, or structural engineer's ~~his or her~~ seal to any plans, specifications, and reports prepared by or under his or her supervision in connection with the incidental practice of landscape architecture.

(c) For all plans, specifications, or other technical submissions prepared or issued by the registered landscape

architect and filed for public record, the registered landscape architect shall affix the registered landscape architect's signature, current date, date of registration expiration, and a form of seal as prescribed by rule.

(d) The registered landscape architect's signature, date, and seal shall be evidence of the authenticity of that to which the signature, date, and seal are affixed. Any and all technical submissions may be transmitted electronically and may be signed by the registered landscape architect, dated, and sealed electronically with said seal.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/23)

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

Sec. 23. Technical submissions.

(a) As used in this ~~Act Section~~, "technical submissions" includes the designs, drawings, plans, ~~and specifications, and reports~~ that establish the scope of a landscape architecture project; the standard of quality for materials, workmanship, equipment, and systems; and the studies and other technical reports and calculations prepared in the course of the practice of landscape architecture.

(b) A registered landscape architect shall not exercise authority in preparing technical submissions that require the involvement of an architect, professional engineer, structural engineer, or professional land surveyor licensed in Illinois.

(c) The registered landscape architect who has contract responsibility shall seal a cover sheet of the technical submissions and those individual portions of the technical submissions for which the registered landscape architect is legally and professionally responsible.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/25)

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

Sec. 25. Display of registration. Every holder of a registered landscape architect registration shall display the holder's ~~his or her~~ certificate of registration in a conspicuous place in the holder's ~~his or her~~ principal office, place of business, or place of employment.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/30)

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

Sec. 30. Address of record; email address of record. All applicants and registrants shall:

(1) provide a valid address and email address to the Department, which shall serve as the address of record and email address of record, respectively, at the time of application for registration or renewal of registration; and

(2) inform the Department of any change of address of

record or email address of record within 14 days after the
~~such~~ change, either through the Department's website or by
contacting the Department's licensure maintenance unit
~~Department.~~

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/33)

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

Sec. 33. Registered Landscape Architecture Registration
Board.

(a) The Secretary shall appoint a Registered Landscape
Architecture Registration Board. The Board shall consist of 5
persons who shall serve in an advisory capacity to the
Secretary. All members of the Board shall be residents of
Illinois. Four members shall be registered under this Act and
have not been disciplined within the last 10-year period under
this Act or the Illinois Landscape Architecture Act of 1989.
In addition to the 4 registered landscape architects, there
shall be one public member. The public member shall be a voting
member and shall not be registered under this Act or licensed
under any other design profession licensing Act that the
Department administers.

(b) Board members shall serve 5-year terms and until their
successors are appointed and qualified.

(c) In appointing members to the Board, the Secretary
shall give due consideration to recommendations by members and

organizations of the landscape architecture profession.

(d) The membership of the Board should reasonably reflect representation from the geographic areas in this State.

(e) No member shall be reappointed to the Board for a term that would cause the member's ~~his or her~~ continuous service on the Board to be longer than 2 consecutive 5-year terms.

(f) An appointment to fill a vacancy for the unexpired portion of the vacated term shall be made in the same manner as an initial appointment.

(g) Three members shall constitute a quorum. A quorum is required for Board decisions.

(h) The Secretary may terminate or refuse the appointment of any member of the Board for cause that, in the opinion of the Secretary, reasonably justified such termination, which may include, but is not limited to, a Board member who does not attend 2 consecutive meetings.

(i) Members of the Board may be reimbursed for all legitimate, necessary, and authorized expenses.

(j) (Blank). ~~The Department may at any time seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act.~~

(k) Members of the Board shall be immune from suit in any action based upon any disciplinary proceedings or other acts performed in good faith as members of the Board, unless the conduct that gave rise to the suit was willful and wanton misconduct.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/34)

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

Sec. 34. Powers and duties of the Board.

(a) The Board shall meet ~~hold~~ at least once per ~~one meeting~~ ~~each~~ year or as otherwise called by the Secretary, with any such meeting conducted in accordance with the Open Meetings Act.

(b) The Board shall annually elect a chairperson and a vice chairperson who shall be registered landscape architects.

(c) The Department may, at any time, seek the expert advice and knowledge of the Board on any matter relating to the enforcement of this Act, including, but not limited to, qualifications of applicants for registration.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/48)

Sec. 48. Endorsement.

(a) The Department may issue a registration as a landscape architect to an applicant who submits a valid application accompanied by the required fee and is a landscape architect licensed, ~~or~~ registered, certified, or otherwise authorized under the laws of another state, the District of Columbia, a territory of the United States, or a foreign country if the requirements for licensure, registration, ~~or~~ certification, or

authorization in that other jurisdiction were, on the date of original licensure, registration, or certification, substantially equivalent to the requirements then in force in this State.

(b) An application for endorsement shall provide proof of passage of an examination required for registration.

(c) If the accuracy of any submitted documentation or relevance or sufficiency of the coursework or experience is questioned by the Department or the Board because of a lack of information, discrepancies, or conflicts in information given or a need for clarification, the applicant seeking registration may be required to provide additional information.

(d) An applicant has 3 years from the date of application to complete the application process. If the process has not been completed in 3 years, the application shall be expired ~~denied~~, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(e) (Blank). ~~This Section is repealed on January 1, 2027.~~
(Source: P.A. 103-1044, eff. 1-1-25.)

(225 ILCS 316/50)

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

Sec. 50. Registration, renewal, and restoration.

(a) The expiration date and renewal period for each certificate of registration issued under this Act shall be

established by rule. A registrant may renew a certificate of registration during the month preceding its expiration date by paying the required fee.

(b) A registered landscape architect who has permitted the registered landscape architect's ~~his or her~~ registration to expire or has had the registered landscape architect's ~~his or her~~ registration placed on inactive status may have the registered landscape architect's ~~his or her~~ registration restored by making application to the Department and filing proof acceptable to the Department of the registered landscape architect's ~~his or her~~ fitness to have the registered landscape architect's ~~his or her~~ registration restored, including, but not limited to, sworn evidence certifying active lawful practice in another jurisdiction satisfactory to the Department and by paying the required fee as determined by rule.

(c) A registered landscape architect whose registration expired while engaged (1) in federal service on active duty with the Armed Forces of the United States or the State Militia called into service or training or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have a registration restored or reinstated without paying any lapsed reinstatement, renewal, or restoration fees if, within 2 years after termination, other than by dishonorable discharge, of such service, training, or education, ~~and~~ the Department is

furnished with satisfactory evidence that the registrant has been so engaged in the practice of landscape architecture and that such service, training, or education has been so terminated.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/55)

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

Sec. 55. Prior registrations under the Illinois Landscape Architecture Act of 1989. A person who was actively registered under the Illinois Landscape Architecture Act of 1989 and had renewed the person's ~~his or her~~ registration before January 1, 2020, may have the person's ~~his or her~~ registration restored without fee upon the effective date of the rules adopted under this Act.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/60)

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

Sec. 60. Inactive status.

(a) A person registered under this Act who notifies the Department in writing on forms or electronically as prescribed by the Department may elect to place the person's ~~his or her~~ registration on inactive status and shall, subject to rules of the Department, be excused from payment of renewal fees until the person ~~he or she~~ notifies the Department in writing on

forms or electronically as prescribed by the Department of the person's ~~his or her~~ desire to resume active status.

(b) Any registrant whose registration is on inactive status shall not use the title "registered landscape architect" or "landscape architect" in the State of Illinois.

(c) Any registrant who uses the title "registered landscape architect" or "landscape architect" while the registrant's ~~his or her~~ registration is inactive shall be considered to be using the title without a registration that shall be grounds for discipline under this Act.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/70)

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

Sec. 70. Disposition of funds. All ~~of the~~ fees collected as authorized under this Act shall be deposited into the Design Professionals Administration and Investigation ~~General Professions Dedicated~~ Fund. The moneys deposited into the Design Professionals Administration and Investigation ~~General Professions Dedicated~~ Fund may be used for the expenses of the Department in the administration of this Act. Moneys from the Fund may also be used for direct and allocable indirect costs related to the public purposes of the Department of Financial and Professional Regulation. Moneys in the Fund may be transferred to the Professions Indirect Cost Fund as authorized by Section 2105-300 of the Department of

Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/80)

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

Sec. 80. Unauthorized practice; violation ~~Violation;~~
injunction; cease and desist order; civil penalty.

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

(b) Whoever holds oneself ~~himself or herself~~ out as a "registered landscape architect", "landscape architect", or any other name or designation that would in any way imply that the person ~~he or she~~ is able to use the title "registered

landscape architect" or "landscape architect" without being registered under this Act shall be guilty of a Class A misdemeanor, and for each subsequent conviction shall be guilty of a Class 4 felony.

(c) Any person who holds oneself out as a "registered landscape architect", "landscape architect", or any other name or designation that would in any way imply that the person is able to use the title "registered landscape architect" or "landscape architect" shall, in addition to any other penalty provided by law, pay a civil penalty to the Department in an amount not to exceed \$10,000 for each offense, as determined by the Department. The civil penalty shall be assessed by the Department after a hearing is held in accordance with the provisions set forth in this Act regarding the provision of a hearing for the discipline of a licensee.

(d) The Department may investigate any actual, alleged, or suspected unauthorized activity.

(e) The civil penalty shall be paid within 60 days after the effective date of the order imposing the civil penalty. The order shall constitute a judgment and may be filed and executed thereon in the same manner as any judgment from any court of record.

(f) Each day that a violation occurs constitutes a separate offense. Any civil penalties imposed shall be payable to the Department.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/85)

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

Sec. 85. Grounds for discipline.

(a) The Department may refuse to issue or to renew a certificate of registration, or may revoke, suspend, place on probation, reprimand, or take other disciplinary or nondisciplinary action the Department may deem proper, including fines not to exceed \$10,000 for each violation, with regard to any certificate of registration issued under this Act, for any one or combination of the following reasons:

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

(2) Negligent or intentional disregard of this Act or rules adopted under this Act.

(3) Conviction of or plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or sentencing, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation under the laws of any jurisdiction of the United States that is (i) a felony, (ii) a misdemeanor, an essential element of which is dishonesty, or (iii) any crime that is directly related to the practice of landscape architecture.

(4) Making any misrepresentations for the purpose of obtaining a certificate of registration.

(5) Professional incompetence or gross negligence in the rendering of landscape architectural services.

(6) Aiding or assisting another person in violating any provision of this Act or any rules and regulations issued pursuant to this Act.

(7) Failing to provide information within 60 days in response to a written request made by the Department.

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

(9) Habitual or excessive use or abuse of drugs defined by law as controlled substances, alcohol, narcotics, stimulants, or any other substances that results in the inability to practice with reasonable judgment, skill, or safety.

(10) Discipline by another jurisdiction, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(11) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or association any fee, commission, rebate, or other form of compensation for any professional service not actually rendered.

(12) A finding by the Department that the registrant, after having the registration placed on probationary

status, has violated or failed to comply with the terms of probation.

(13) A finding by the Department that the registrant has failed to pay a fine imposed by the Department.

(14) Being named as a perpetrator in an indicated report by the Department of Children and Family Services under the Abused and Neglected Child Reporting Act, and upon proof by clear and convincing evidence that the registrant has caused a child to be an abused child or neglected child as defined in the Abused and Neglected Child Reporting Act.

(15) Solicitation of professional services by ~~using false or misleading~~ advertising in any manner that is false, misleading, or deceptive.

(16) Inability to practice the profession with reasonable judgment, skill, or safety as a result of physical illness, including, but not limited to, deterioration through the aging process, loss of motor skill, mental illness, or disability.

(17) Using or attempting to use an expired, inactive, suspended, ~~or~~ revoked, canceled, nonrenewed, or otherwise inoperative registration, using ~~or~~ the seal of another registrant, or impersonating another registrant.

(18) Signing, affixing, or allowing the registered landscape architect's seal to be affixed to any plans not prepared by the registered landscape architect or under

the registered landscape architect's supervision.

(19) Practicing, attempting to practice, or advertising under a name other than the full name as shown on the certificate of registration or any other legally authorized name.

(20) Performing any act or practice that is a violation of the Consumer Fraud and Deceptive Business Practices Act.

(21) Treating any person differently to the person's detriment because of the person's race, color, creed, gender, age, religion, or national origin.

(22) Violating any final administrative order of the Secretary.

(23) Gross and willful overcharging for professional services, including filing false statements for the collection of fees or moneys for which services are not rendered.

(b) The Department may refuse to issue or may suspend the registration of any person who fails to file a return, fails to pay the tax, penalty, or interest showing in a filed return, or fails to pay any final assessment of tax, penalty, or interest, as required by any tax Act administered by the Department of Revenue, until the requirements of any such tax Act are satisfied.

(c) The determination or entry of a decree by any circuit court establishing that any person holding a certificate of

registration under this Act is a person subject to involuntary admission under the Mental Health and Developmental Disabilities Code shall operate as a suspension of that registration. That person may resume using the title "registered landscape architect" or "landscape architect" only upon a finding by the Department that the person ~~he or she~~ has been determined to be no longer subject to involuntary admission by the court and meeting the requirements for restoration as required by this Act and its rules.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/95)

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

Sec. 95. Record of proceedings.

(a) The Department, at its expense, shall provide a certified shorthand reporter to take down the testimony and preserve a record of all proceedings in which a registrant may have their registration revoked or suspended or in which the registrant may be placed on probationary status, reprimanded, fined, or subjected to other disciplinary action with reference to the registration when a disciplinary action is authorized under this Act and rules issued pursuant to this Act. The notice of hearing, complaint, and all other documents in the nature of pleadings and written motions filed in the proceedings, the transcript of the testimony, and the orders of the Department shall be the record of the proceedings. The

record may be made available to any person interested in the hearing upon payment of the fee required by Section 2105-115 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(b) The Department may contract for court reporting services, and, if it does so, the Department shall provide the name and contact information for the certified shorthand reporter who transcribed the testimony at a hearing to any person interested, who may obtain a copy of the transcript of any proceedings at a hearing upon payment of the fee specified by the certified shorthand reporter.

(Source: P.A. 102-284, eff. 8-6-21.)

(225 ILCS 316/110)

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

Sec. 110. Hearing; motion for rehearing.

(a) The hearing officer appointed by the Secretary shall hear evidence in support of the formal charges and evidence produced by the registrant. At the conclusion of the hearing, the hearing officer shall present to the Secretary a written report of the hearing officer's ~~his or her~~ findings of fact, conclusions of law, and recommendations.

(b) At the conclusion of the hearing, a copy of the hearing officer's report shall be served upon the applicant or registrant, either personally or as provided in this Act for the service of the notice of hearing. Within 20 days after such

service, the applicant or registrant may present to the Department a motion, in writing, for a rehearing which shall specify the particular grounds for rehearing. The Department may respond to the motion for rehearing within 20 days after its service on the Department. If no motion for rehearing is filed, then upon the expiration of the time specified for filing such a motion, or upon denial of a motion for rehearing, the Secretary may enter an order in accordance with the recommendations of the hearing officer. If the applicant or registrant orders from the reporting service and pays for a transcript of the record within the time for filing a motion for rehearing, the 20-day period within which a motion may be filed shall commence upon delivery of the transcript to the applicant or registrant.

(c) If the Secretary disagrees in any regard with the report of the hearing officer, the Secretary may issue an order contrary to the hearing officer's report.

(d) If the Secretary is not satisfied that substantial justice has been done, the Secretary may order a hearing by the same or another hearing officer.

(e) At any point in any investigation or disciplinary proceeding provided for in this Act, both parties may agree to a negotiated consent order. The consent order shall be final upon signature of the Secretary.

(Source: P.A. 102-284, eff. 8-6-21.)

Section 30. The Community Association Manager Licensing and Disciplinary Act is amended by changing Sections 10, 20, 40, 55, 60, 75, 85, 85.1, 86, 95, and 120 as follows:

(225 ILCS 427/10)

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

Sec. 10. Definitions. As used in this Act:

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

"Advertise" means, but is not limited to, issuing or causing to be distributed any card, sign or device to any person; or causing, permitting or allowing any sign or marking on or in any building, structure, newspaper, magazine or directory, or on radio or television; or advertising by any other means designed to secure public attention, including, but not limited to, print, electronic, social media, and digital forums.

"Board" means the Community Association Manager Licensing and Disciplinary Board.

"Community association" means an association in which membership is a condition of ownership or shareholder interest of a unit in a condominium, cooperative, townhouse, villa, or other residential unit which is part of a residential development plan and that is authorized to impose an

assessment, rents, or other costs that may become a lien on the unit or lot.

"Community association funds" means any assessments, fees, fines, or other funds collected by the community association manager from the community association, or its members, other than the compensation paid to the community association manager for performance of community association management services.

"Community association management firm" means a company, corporation, limited liability company, partnership, or other entity that engages in community association management services.

"Community association management services" means those services listed in the definition of community association manager in this Section.

"Community association manager" means an individual who:

(1) has an ownership interest in or is employed by a community association management firm, or is directly employed by or provides services as an independent contractor to a community association; and

(2) administers for remuneration the financial, administrative, maintenance, or other duties for the community association, including the following services:

(A) collecting, controlling or disbursing funds of the community association or having the authority to do so;

(B) preparing budgets or other financial documents for the community association;

(C) assisting in the conduct of community association meetings;

(D) maintaining association records;

(E) administering association contracts or procuring goods and services in accordance with the declaration, bylaws, proprietary lease, declaration of covenants, or other governing document of the community association or at the direction of the board of managers; and

(F) coordinating financial, administrative, maintenance, or other duties called for in the management contract, including individuals who are direct employees of the community association.

~~"Community association manager" does not mean support staff, including, but not limited to bookkeepers, administrative assistants, secretaries, property inspectors, or customer service representatives.~~

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

"Designated community association manager" means a licensed community association manager who: (1) has an ownership interest in or is employed by a community association management firm to act as a controlling person; and (2) is the authorized signatory or has delegated signing

authority for the firm on community association accounts; and
(3) supervises, manages, and is responsible for the firm's
community association manager activities pursuant to Section
50 of this Act.

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

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

"Licensee" means any person licensed under this Act.

"Person" means any individual, corporation, partnership,
limited liability company, or other legal entity.

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

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

(225 ILCS 427/20)

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

Sec. 20. Exemptions.

(a) The requirement for holding a license under this Act
shall not apply to any of the following:

(1) Any director or officer of a community association
providing one or more of the services of a community
association manager to a community association without

compensation for such services to the association.

(2) Any person providing one or more of the services of a community association manager to a community association of 10 units or less.

(3) A licensed attorney acting solely as an incident to the practice of law.

(4) An individual acting as a receiver, trustee in bankruptcy, administrator, executor, or guardian acting under a court order or under the authority of a court.

(5) A person licensed in this State under any other Act who engages in practices or activities specifically authorized by the Act pursuant to which the license was granted.

(6) An unlicensed owner who does not perform a licensed activity and the unlicensed owner's support staff, including, but not limited to bookkeepers, administrative assistants, secretaries, property inspectors, or customer service representatives.

(b) A licensed community association manager may not perform or engage in any activities for which a real estate managing broker, real estate broker, or residential leasing agent license is required under the Real Estate License Act of 2000, unless the licensee also possesses a current and valid license under the Real Estate License Act of 2000 and is providing those services as provided for in the Real Estate License Act of 2000 and the applicable rules.

(c) (Blank).

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

(225 ILCS 427/40)

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

Sec. 40. Qualifications for licensure as a community association manager.

(a) No person shall be qualified for licensure as a community association manager under this Act unless the person has applied in writing on the prescribed forms and has paid the required, nonrefundable fees and has met all of the following qualifications:

(1) Is at least 18 years of age.

(1.5) Successfully completed a 4-year course of study in a high school, secondary school, or an equivalent course of study approved by the state in which the school is located, or possess a State of Illinois High School Diploma, which shall be verified under oath by the applicant.

(2) Provided satisfactory evidence of having completed at least 20 classroom hours in community association management courses approved by the Board.

(3) Passed an examination authorized by the Department.

(4) Has not committed an act or acts, in this or any other jurisdiction, that would be a violation of this Act.

(5) Is of good moral character. In determining moral character under this Section, the Department may take into consideration whether the applicant has engaged in conduct or activities that would constitute grounds for discipline under this Act. Good moral character is a continuing requirement of licensure. Conviction of crimes may be used in determining moral character, but shall not constitute an absolute bar to licensure.

(6) (Blank). ~~Has not been declared by any court of competent jurisdiction to be incompetent by reason of mental or physical defect or disease, unless subsequently declared by a court to be competent.~~

(7) Complies with any additional qualifications for licensure as determined by rule of the Department.

(b) (Blank).

(c) (Blank).

(d) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within the 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of re-application.

(e) The Department shall not require applicants to report the following information and shall not consider the following criminal history records in connection with an application for licensure:

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

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

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

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

(5) convictions overturned by a higher court; or

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

(f) An applicant or licensee shall report to the Department, in a manner prescribed by the Department, and within 30 days after the occurrence if during the term of licensure: (i) any conviction of or plea of guilty or nolo contendere to forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or

any similar offense or offenses or any conviction of a felony involving moral turpitude; (ii) the entry of an administrative sanction by a governmental ~~government~~ agency in this State or any other jurisdiction that has as an essential element dishonesty or fraud or involves larceny, embezzlement, or obtaining money, property, or credit by false pretenses; or (iii) any conviction of or plea of guilty or nolo contendere to a crime that subjects the licensee to compliance with the requirements of the Sex Offender Registration Act.

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

(225 ILCS 427/55)

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

Sec. 55. Insurance ~~Fidelity insurance~~; segregation of accounts; records.

(a) The designated community association manager or the community association management firm that employs the designated community association manager shall not have access to and disburse community association funds unless each of the following conditions occur:

(1) There is fidelity or crime insurance in place to insure against loss or theft of community association funds.

(2) The fidelity or crime insurance is in the maximum amount of coverage available to protect funds in the custody or control of the designated community association

manager or community association management firm providing service to the association.

Nothing in this Section shall require that fidelity coverage be issued when a crime insurance policy with equivalent or broader coverage is already in place.

(3) During the term and coverage period of the insurance, the fidelity or crime insurance shall cover:

(A) the designated community association manager;

(B) the community association management firm;

(C) all community association managers;

(D) all partners, officers, and employees of the community association management firm; and

(E) the community association officers, directors, and employees.

(4) The insurance company issuing the fidelity or crime insurance may not cancel or refuse to renew the coverage bond without giving at least 10 days' prior written notice.

(5) Unless an agreement between the community association and the designated community association manager or the community association management firm provides to the contrary, a community association may secure and pay for the fidelity or crime insurance required by this Section. The designated community association manager, all other licensees, and the community association management firm must be named as

additional insured parties on the community association policy. If the fidelity or crime insurance is not secured and paid for by the association, the designated community association manager or the community association management firm that secures and pays for the insurance shall provide a current certificate of fidelity or crime insurance to the community association for which it provides community association management services within 10 days of a request for such certificate by the community association for its records.

(b) A community association management firm that provides community association management services for more than one community association shall maintain separate, segregated accounts for each community association. The funds shall not, in any event, be commingled with the funds of the community association manager, the community association management firm, or any other community association. The maintenance of such accounts shall be custodial, and such accounts shall be in the name of the respective community association.

(c) The designated community association manager or community association management firm shall obtain the appropriate general liability and errors and omissions insurance, as determined by the Department, to cover any losses or claims against a community association manager, the designated community association manager, or the community association management firm. The designated community

association manager or the community association management firm shall provide a current certificate of general liability and errors and omissions insurance to the community association for which it provides community association management services within 10 days of a request for such certificate by the community association for its records.

(c-5) The Department shall have the authority to audit or inspect any electronic or physical record, account, document, book, form, or file required to be created or maintained by this Act.

(d) The Department shall have authority to promulgate additional rules regarding insurance, fidelity or crime insurance, and all records and accounts required ~~maintained~~ ~~and~~ to be maintained by a community association manager, designated community association manager, or community association management firm.

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

(225 ILCS 427/60)

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

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

(a) The expiration date, fees, and renewal period for each license issued under this Act shall be set by rule. The Department may promulgate rules requiring pre-license or continuing education and set all necessary requirements for

such, including, but not limited to, fees, ~~approved coursework, number of hours, and waivers of continuing education.~~

(a-5) A community association manager whose license has lapsed or expired may renew the license without examination for a time period of up to 2 years following the expiration date of the license. The licensee shall complete an application to the Department, provide evidence of the licensee's successful completion of all hours of approved continuing education during the period of time the license had lapsed, and pay all fees as required by rule.

(b) A community association manager whose license has been lapsed or expired for more than 2 years but less than 5 years following the expiration date of the license may restore the license without examination by (i) applying to the Department, (ii) providing evidence of the community association manager's successful completion of all hours of approved continuing education during the lapsed periods prior to the date of the application, (iii) paying the required fees, and (iv) satisfying any other requirements as established by rule. A community association manager whose license has been expired for more than 5 years shall be required to meet the requirements of a new license. Any licensee who has an expired license may have the license restored by applying to the Department and filing proof acceptable to the Department of fitness to have the expired license restored, which may

~~include sworn evidence certifying to active practice in another jurisdiction satisfactory to the Department, complying with any continuing education requirements, and paying the required restoration fee.~~

(c) Any person whose license expired while (i) in federal service on active duty with the Armed Forces of the United States or called into service or training with the State Militia, (ii) in training or education under the supervision of the United States preliminary to induction into the military service, or (iii) serving as an employee of the Department may have the license renewed or restored without paying any lapsed renewal fees and without completing the continuing education requirements for that licensure period if, within 2 years after honorable termination of the service, training, or education, except under conditions ~~condition~~ other than honorable, the licensee furnishes the Department with satisfactory evidence of engagement and that the service, training, or education has been so honorably terminated.

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

(e) A community association manager or community

association management firm requesting that the license be changed from inactive to active status shall be required to pay the current renewal fee and shall also demonstrate compliance with the continuing education requirements.

(f) No licensee with a nonrenewed or inactive license status or community association management firm operating without a designated community association manager shall provide community association management services as set forth in this Act.

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

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

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

(Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

(225 ILCS 427/75)

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

Sec. 75. Endorsement. The Department may issue a community association manager license ~~without the required examination,~~ to an applicant licensed under the laws of another state or jurisdiction without the required examination. ~~if the requirements for licensure in that state are, on the date of licensure, substantially equal to the requirements of this Act or to a person who, at the time of application for licensure, possessed individual qualifications that were substantially equivalent to the requirements then in force in this State. An applicant under this Section shall pay all of the required fees.~~

An applicant under this Section shall pay all the required fees and ~~All applicants under this Act~~ have 3 years from the date of application to complete the application process. If the process has not been completed within the 3 years, the application shall be denied, the fee shall be forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

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

(225 ILCS 427/85)

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

Sec. 85. Grounds for discipline; refusal, revocation, or

suspension.

(a) The Department may refuse to issue or renew a license, or may place on probation, reprimand, suspend, or revoke any license, or take any other disciplinary or non-disciplinary action as the Department may deem proper and impose a fine not to exceed \$10,000 for each violation upon any licensee or applicant under this Act or any person or entity who holds oneself out as an applicant or licensee for any one or combination of the following causes:

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

(2) Violations of this Act or its rules.

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

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

(5) Professional incompetence.

(6) Gross negligence.

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

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

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

(10) Habitual or excessive use or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug that results in the inability to practice with reasonable judgment, skill, or safety, and which may result in significant harm to the public.

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

(12) Directly or indirectly giving to or receiving from any person, firm, corporation, partnership, or

association any fee, commission, rebate, or other form of compensation for any services not actually or personally rendered.

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

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

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

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

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

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

(19) Practicing or attempting to practice under a name other than the full name as shown on the license or any

other legally authorized name unless approved by the Department.

(20) Gross overcharging for professional services including, but not limited to, (i) collection of fees or moneys for services that are not rendered; and (ii) charging for services that are not in accordance with the contract between the licensee and the community association.

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

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

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

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

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

(26) Purporting to be a designated community

association manager of a firm without active participation in the firm and having been designated as such.

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

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

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

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

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

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

(33) Failing to disclose to a community association, at the time of making the referral, that a licensee (A) has greater than a 1% ownership interest in a third party to which it refers the community association; or (B) receives or may receive dividends or other profit sharing

distributions from a third party, other than a publicly held or traded company, to which it refers the community association.

(b) (Blank).

(c) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will terminate only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient, and upon the recommendation of the Board to the Secretary that the licensee be allowed to resume practice as a licensed community association manager.

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

(e) In accordance with subdivision (a)(5) of Section 2105-15 of the Department of Professional Regulation Law of

the Civil Administrative Code of Illinois ~~(20—ILCS 2105/2105-15)~~ and in cases where the Department of Healthcare and Family Services (formerly Department of Public Aid) has previously determined that a licensee or a potential licensee is more than 30 days delinquent in the payment of child support and has subsequently certified the delinquency to the Department, the Department may refuse to issue or renew or may revoke or suspend that person's license or may take other disciplinary action against that person based solely upon the certification of delinquency made by the Department of Healthcare and Family Services.

(f) (Blank).

(g) In accordance with subsection (g-5) of Section 2105-15 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the Department may refuse to issue or renew, suspend, or revoke, without a hearing, the license of any person or entity who fails to pay or secure workers' compensation obligations as determined by and based solely upon the certification of the Department of Insurance or the Illinois Workers' Compensation Commission.

(Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24.)

(225 ILCS 427/85.1)

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

Sec. 85.1. Citations.

(a) The Department may adopt rules to permit the issuance

of citations to any licensee for failure to comply with the continuing education requirements set forth in this Act or as established by rule. The citation shall be issued to the licensee and a copy sent to the licensee's designated community association manager, if any, and shall contain the licensee's name, the licensee's address, the licensee's license number, the number of required hours of continuing education that have not been successfully completed on or before ~~by the licensee's renewal deadline, licensee within the renewal period,~~ and the penalty imposed, which shall not exceed \$2,000. The issuance of any such citation shall not excuse the licensee from completing all continuing education required for that term of licensure ~~renewal period~~.

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

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

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

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

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

(225 ILCS 427/86)

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

Sec. 86. Illegal discrimination.

(a) When there has been an adjudication in a civil or criminal proceeding that a community association manager or community association management firm has illegally

discriminated while engaged in any activity for which a license is required under this Act, the Department, following the provision of notice to the licensee and a hearing conducted in accordance with Section 95 and upon the recommendation of the Board as to the extent of the suspension or revocation, shall suspend or revoke the license of that licensee in a timely manner, unless the adjudication is in the appeal process. The finding or judgment of the civil or criminal proceeding is a matter of record and the merits of the finding or judgment shall not be challenged in a request for a hearing by the licensee.

(b) When there has been an order in an administrative proceeding finding that a licensee has illegally discriminated while engaged in any activity for which a license is required under this Act, the Department, following the provision of notice to the licensee and a hearing conducted in accordance with Section 95, and upon recommendation of the Board as to the nature and extent of the discipline, shall take one or more of the disciplinary actions provided for in Section 85 in a timely manner, unless the administrative order is in the appeal process. The finding of the administrative order is a matter of record and the merits of the finding shall not be challenged in a request for a hearing by the licensee.

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

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

Sec. 95. Investigation; notice and hearing. The Department may investigate the actions or qualifications of a person, which includes an entity, applying for, holding or claiming to hold, or holding oneself out as having a license or rendering or offering to render services for which a license is required by this Act. The Department shall, before ~~Before~~ suspending, revoking, placing on probationary status, or taking any other disciplinary action as the Department may deem proper with regard to any license, at least 30 days before the date set for the hearing: ~~the Department shall~~ (i) notify the person charged and the person's designated community association manager, if any, in writing of any charges made and the time and place for a hearing on the charges ~~before the Board~~, (ii) direct the person to file a written answer to the charges with the Board under oath within 20 days after the service on the person of such notice, and (iii) inform the person that, if the person fails to file an answer, default will be taken against the person and the license of the person may be suspended, revoked, placed on probationary status, or have other disciplinary action taken with regard to the license, including limiting the scope, nature, or extent of the person's ~~related~~ practice, as the Department may deem proper.

The Department shall serve notice under this Section by regular or electronic mail to the person's most recent ~~last~~

address of record or email address of record as provided to the Department. ~~If the person fails to file an answer after receiving notice, the license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status, or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.~~ The answer shall be served by regular mail or electronic mail to the Department. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present such statements, testimony, evidence, and argument as may be pertinent to the charges or to the defense thereto. The Department may continue such hearing from time to time. If the person fails to file an answer after receiving notice, the license may, in the discretion of the Department, be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action deemed proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

At the discretion of the Secretary after having first received the recommendation of the Board, the person's license

may be suspended, revoked, or placed on probationary status or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine if the act or acts charged constitute sufficient grounds for that action under this Act. A copy of the Department's final disciplinary order shall be delivered to the person's designated community association manager or may be sent to the community association that directly employs the person.

(Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24.)

(225 ILCS 427/120)

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

Sec. 120. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action for refusal to issue or renew a license, or to discipline a licensee. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the findings and recommendations to the Board and the Secretary. ~~At its next meeting following receipt of the report, the Board shall review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary.~~

The Board shall have 90 days from receipt of the hearing officer's report to review the report of the hearing officer

and present the Board's findings of fact, conclusions of law, and recommendations to the Secretary. If the Board fails to present its findings of fact, conclusions of law, and recommendations within the 90-day time period, the Department may request in writing a direct appeal to the Secretary and the Secretary may issue an order based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If the Board fails to present its findings of fact, conclusions of law, and recommendations within a 90-day time period after receiving an Order of Default, the Department may request in writing a direct appeal to the Secretary to issue a final order.

~~If the Board fails to present its report within 30 calendar days following its next meeting after receiving the report, the respondent may request in writing a direct appeal to the Secretary, in which case the Secretary shall, within 7 calendar days after the request, issue an order directing the Board to issue its findings of fact, conclusions of law, and recommendations to the Secretary within 30 calendar days after such order.~~

~~If the Board fails to issue its findings of fact, conclusions of law, and recommendations within that time frame to the Secretary after the entry of such order, the Secretary shall, within 30 calendar days thereafter, issue an order~~

~~based upon the report of the hearing officer and the record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order.~~

~~If (i) a direct appeal is requested, (ii) the Board fails to issue its findings of fact, conclusions of law, and recommendations within the 30 day mandate from the Secretary or the Secretary fails to order the Board to do so, and (iii) the Secretary fails to issue an order within 30 calendar days thereafter, then the hearing officer's report is deemed accepted and a final decision of the Secretary.~~

Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or other disciplinary action taken as the result of the entry of the hearing officer's report, the Secretary may order a rehearing by the same or other examiners. If the Secretary disagrees in any regard with the recommendation of the Board or the hearing officer, the Secretary may issue an order in contravention of either recommendation.

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

Section 35. The Detection of Deception Examiners Act is amended by changing Sections 3, 8, 8.5, 11, 13, 14, 17, 19, 26.1, and 30 as follows:

(225 ILCS 430/3) (from Ch. 111, par. 2403)

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

Sec. 3. Every examiner shall use an instrument which records permanently and simultaneously the subject's cardiovascular, respiratory and galvanic skin response patterns as minimum standards and shall base the ~~his or her~~ evaluation upon changes in such patterns. Such an instrument may record additional physiological patterns pertinent to the detection of deception. The examiner may also consider changes in such additional patterns in making the ~~his or her~~ evaluations. An examiner shall, upon written request of a person examined, make known the results of such test to the person examined within 5 days of receipt of the written request.

(Source: P.A. 97-168, eff. 7-22-11.)

(225 ILCS 430/8) (from Ch. 111, par. 2409)

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

Sec. 8. Applications for original licenses shall be made to the Department in writing on forms prescribed by the Department and shall be accompanied by the required fee, which shall not be returnable. Any such application shall require such information as in the judgment of the Department will enable the Department to pass on the qualifications of the applicant for a license.

If an applicant neglects, fails without an approved excuse or refuses to take the next available examination for a license under this Act, the fee paid by the applicant shall be forfeited and the application denied. If an applicant fails to pass an examination for a license under this Act within 3 years after filing an ~~his or her~~ application, the application shall be denied. However, such applicant may thereafter make a new application for examination, accompanied by the required fee. (Source: P.A. 97-168, eff. 7-22-11.)

(225 ILCS 430/8.5)

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

Sec. 8.5. Social Security Number or individual tax identification number on license application. In addition to any other information required to be contained in the application, every application for an original license under this Act shall include the applicant's Social Security Number or individual taxpayer identification number, which shall be retained in the agency's records pertaining to the license. As soon as practical, the Department shall assign a customer's identification number to each applicant for a license.

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

(Source: P.A. 97-400, eff. 1-1-12.)

(225 ILCS 430/11) (from Ch. 111, par. 2412)

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

Sec. 11. Qualifications for licensure as an examiner. A person is qualified to receive a license as an examiner:

A. Who establishes that the person ~~he or she~~ is a person of good moral character; and

B. Who has passed an examination approved by the Department to determine the person's ~~his or her~~ competency to obtain a license to practice as an examiner; and

C. Who has been ~~had~~ conferred ~~upon him or her~~ an academic degree, at the baccalaureate level, from an accredited college or university; and

D. Who has satisfactorily completed 6 months of study in detection of deception, as prescribed by rule, which shall include, but not be limited to, course content, trainer qualifications, and specialized instructor qualifications.

In determining good moral character, the Department may take into consideration conviction of any crime under the laws of the United States or any state or territory thereof that is a felony or a misdemeanor or any crime that is directly related to the practice of the profession.

(Source: P.A. 97-168, eff. 7-22-11.)

(225 ILCS 430/13) (from Ch. 111, par. 2414)

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

Sec. 13. The expiration date and renewal period for each license issued under this Act shall be set by rule. An examiner whose license has expired may reinstate the ~~his or her~~ license at any time within 5 years after the expiration thereof, by making a renewal application therefor ~~therefore~~ and by paying the required fee. However, any examiner whose license expired while the examiner ~~he or she~~ was (1) in Federal Service on active duty with the Armed Forces of the United States, or the State Militia called into service or training, or (2) in training or education under the supervision of the United States preliminary to induction into the military service, may have the ~~his or her~~ license renewed, reinstated or restored without paying any lapsed renewal and restoration fees if within 2 years after honorable termination of such service, training, or education except under conditions other than honorable, the examiner ~~he or she~~ furnishes the Department with satisfactory evidence to the effect that the examiner ~~he or she~~ has been so engaged and that the examiner's ~~his or her~~ service, training, or education has been so terminated.

A license or duplicate license must be prominently displayed at the principal place of business of every examiner.

Notice in writing shall be given to the Department by such license holder of any change of principal business location whereupon, the Department shall issue a new license for the unexpired period upon payment of the required fee. A change of

business location without notification to the Department and without the issuance by it of a new license shall automatically suspend the license theretofore issued.

(Source: P.A. 97-168, eff. 7-22-11.)

(225 ILCS 430/14) (from Ch. 111, par. 2415)

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

Sec. 14. (a) The Department may refuse to issue or renew or may revoke, suspend, place on probation, reprimand, or take other disciplinary or non-disciplinary action as the Department may deem appropriate, including imposing fines not to exceed \$10,000 for each violation, with regard to any license for any one or a combination of the following:

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

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

(3) Conviction by plea of guilty or nolo contendere, finding of guilt, jury verdict, or entry of judgment or by sentencing of any crime, including, but not limited to, convictions, preceding sentences of supervision, conditional discharge, or first offender probation, under the laws of any jurisdiction of the United States: (i) that is a felony or (ii) that is a misdemeanor, an essential element of which is dishonesty, or that is directly related to the practice of the profession.

(4) Making any misrepresentation for the purpose of obtaining licensure or violating any provision of this Act or the rules adopted under this Act pertaining to advertising.

(5) Professional incompetence.

(6) Allowing one's license under this Act to be used by an unlicensed person in violation of this Act.

(7) Aiding or assisting another person in violating this Act or any rule adopted under this Act.

(8) Where the license holder has been adjudged mentally ill, mentally deficient or subject to involuntary admission as provided in the Mental Health and Developmental Disabilities Code.

(9) Failing, within 60 days, to provide information in response to a written request made by the Department.

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

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

(12) Discipline by another state, District of Columbia, territory, or foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this

Section.

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

(14) Willfully making or filing false records or reports in his or her practice, including, but not limited to, false records filed with State agencies or departments.

(15) Inability to practice the profession with reasonable judgment, skill, or safety as a result of a physical illness, including, but not limited to, deterioration through the aging process or loss of motor skill, or a mental illness or disability.

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

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

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

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

All fines imposed under this Section shall be paid within 60 days after the effective date of the order imposing the fine.

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

(c) (Blank).

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

(e) The determination by a circuit court that a licensee is subject to involuntary admission or judicial admission, as provided in the Mental Health and Developmental Disabilities Code, operates as an automatic suspension. The suspension will

end only upon a finding by a court that the patient is no longer subject to involuntary admission or judicial admission and the issuance of an order so finding and discharging the patient.

(f) In enforcing this Act, the Department, upon a showing of a possible violation, may compel an individual licensed to practice under this Act, or who has applied for licensure under this Act, to submit to a mental or physical examination, or both, as required by and at the expense of the Department. The Department may order the examining physician to present testimony concerning the mental or physical examination of the licensee or applicant. No information shall be excluded by reason of any common law or statutory privilege relating to communications between the licensee or applicant and the examining physician. The examining physicians shall be specifically designated by the Department. The individual to be examined may have, at the individual's ~~his or her~~ own personal expense, another physician of the individual's ~~his or her~~ choice present during all aspects of this examination. The examination shall be performed by a physician licensed to practice medicine in all its branches. Failure of an individual to submit to a mental or physical examination, when directed, shall result in an automatic suspension without hearing.

A person holding a license under this Act or who has applied for a license under this Act who, because of a physical

or mental illness or disability, including, but not limited to, deterioration through the aging process or loss of motor skill, is unable to practice the profession with reasonable judgment, skill, or safety, may be required by the Department to submit to care, counseling, or treatment by physicians approved or designated by the Department as a condition, term, or restriction for continued, reinstated, or renewed licensure to practice. Submission to care, counseling, or treatment as required by the Department shall not be considered discipline of a license. If the licensee refuses to enter into a care, counseling, or treatment agreement or fails to abide by the terms of the agreement, the Department may file a complaint to revoke, suspend, or otherwise discipline the license of the individual. The Secretary may order the license suspended immediately, pending a hearing by the Department. Fines shall not be assessed in disciplinary actions involving physical or mental illness or impairment.

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

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

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

(225 ILCS 430/17) (from Ch. 111, par. 2418)

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

Sec. 17. Investigations; notice and hearing. The Department may investigate the actions of any applicant or any person or persons rendering or offering to render detection of deception services or any person holding or claiming to hold a license as a licensed examiner. The Department shall, before refusing to issue or renew a license or to discipline a licensee under Section 14, at least 30 days prior to the date set for the hearing, (i) notify the accused in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the accused ~~him or her~~ to file a written answer with the Department under oath within 20 days after the service of the notice, and (iii) inform the accused ~~applicant or licensee~~ that failure to file an answer will result in default. ~~being taken against the applicant or licensee.~~ At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent

statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the accused person, after receiving the notice, fails to file an answer, the ~~his or her~~ license, may, in the discretion of the Department, be revoked, suspended, placed on probationary status, or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the accused's ~~person's~~ practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act. The written notice may be served by email, by personal delivery, or by mail to the accused's address of record.

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

(225 ILCS 430/19) (from Ch. 111, par. 2420)

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

Sec. 19. Subpoenas; depositions; oaths.

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

(b) Any circuit court, upon the application of the

licensee or the Department, may order the attendance and testimony of witnesses and the production of relevant documents, files, records, books, and papers in connection with any hearing or investigation. The circuit court may compel obedience to its order by proceedings for contempt.

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

(Source: P.A. 97-168, eff. 7-22-11.)

(225 ILCS 430/26.1) (from Ch. 111, par. 2427.1)

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

Sec. 26.1. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unlicensed practice or practice on a nonrenewed license. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of

30 days from the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the license or certificate or deny the application, without hearing. If, after termination or denial, the person seeks a license or certificate, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the license or certificate and pay all fees and fines due to the Department. The Department may establish a fee for the processing of an application for restoration of a license or certificate to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 97-168, eff. 7-22-11.)

(225 ILCS 430/30) (from Ch. 111, par. 2431)

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

Sec. 30. An applicant who is an examiner ~~Examiner~~, licensed under the laws of another state or territory of the United States, or an examiner who has been trained under the training standards determined by the federal government, may be issued a license by the Department, in its discretion, upon payment of a fee as set by rule, and the production of:

(a) satisfactory proof ~~that he or she is~~ of good moral character; and

(b) satisfactory proof that the requirements for the

licensing of examiner ~~Examiners~~ in such particular state or territory of the United States were, at the date of licensing, substantially equivalent to the requirements then in force in this State; or

(c) certification, if applicable, that the applicant has successfully completed the Defense Academy for Credibility Assessment course, or its predecessor or successor course.

(Source: P.A. 97-168, eff. 7-22-11.)

Section 40. The Home Inspector License Act is amended by changing Sections 1-10, 5-5, 5-12, 5-16, 5-20, 15-10, 15-10.1, 15-11, and 15-15 as follows:

(225 ILCS 441/1-10)

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

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

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

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

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

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

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

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

- (1) heating, ventilation, and air conditioning system;
- (2) plumbing system;
- (3) electrical system;
- (4) structural composition;
- (5) foundation;
- (6) roof;
- (7) masonry structure; or

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

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

"Home inspector entity" means any corporation,

partnership, or limited liability company that provides home inspection services.

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

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

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

"Licensee" means any person licensed under this Act.

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

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

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

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

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

(225 ILCS 441/5-5)

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

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

(a) It is unlawful for any person, including any entity, to act or assume to act as a home inspector, to engage in the business of home inspection, to develop a home inspection report, to practice as a home inspector, or to advertise or hold oneself out to be a home inspector without a home inspector license issued under this Act. A person who violates this subsection is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for the second and any subsequent offenses.

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

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

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

government employment;

(2) any person licensed in this State by any other law who is engaging in the profession or occupation for which the person is licensed; or

(3) any person engaged by the owner or lessor of residential real property for the purpose of preparing a bid or estimate as to the work necessary or the costs associated with performing home construction, home remodeling, or home repair work on the residential real property, provided such person does not advertise or hold oneself out as engaged in business as a home inspector.

(d) The licensing of home inspector entities required under this Act does not apply to an entity whose ownership structure is one licensed home inspector operating either (1) a sole proprietorship, a single member limited liability company, or a single shareholder corporation, or (2) a limited liability company, corporation, or partnership co-owned solely with the home inspector's unlicensed spouse. ~~and that~~ The home inspector owner or operator shall be ~~is~~ the only licensee ~~licensed home inspector~~ performing inspections on the entity's behalf and the. ~~The licensed home inspector who is the sole proprietor, sole shareholder, or single member of the company~~ ~~or~~ entity shall comply with all other provisions of this Act.

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

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

Sec. 5-12. Application for home inspector license; entity. Every entity that is not a natural person that desires to obtain a home inspector license shall apply to the Department in a manner prescribed by the Department and accompanied by the required fee.

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

A corporation, limited liability company, partnership, or entity shall, as a condition of licensure, designate a managing licensed home inspector. The home inspector entity and the designated managing home inspector of that ~~any home inspector~~ entity shall be responsible for the actions of all licensed and unlicensed employees, agents, and representatives of that home inspector entity that provides ~~while it is providing~~ a home inspection or home inspection service. All other requirements for home inspector entities shall be established by rule.

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

(225 ILCS 441/5-16)

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

Sec. 5-16. Renewal of license.

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

(1) completing and submitting to the Department a renewal application in a manner prescribed by the Department;

(2) paying the required fees; and

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

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

(b-5) A home inspector whose license has been lapsed or expired for more than 2 years but less than 5 years may restore the license without examination by (i) applying to the Department, (ii) providing evidence of the successful completion of all hours of approved continuing education during the lapsed time periods prior to the date of the application, (iii) paying the required fees, and (iv)

satisfying any other requirements as established by rule. A home inspector whose license has been expired for more than 5 years shall be required to meet the requirements of a new license.

(c) Notwithstanding subsection (b), a home inspector whose license under this Act has expired may renew or restore the license without paying any lapsed renewal fees or late penalties and without completing the continuing education requirements for that licensure period if the license expired while the home inspector was (i) in federal service on active duty with the Armed Forces of the United States or called into service or training with the State Militia, (ii) in training or education under the supervision of the United States preliminary to induction into the military service, or (iii) serving as an employee of the Department and within 2 years after the termination of the service, training, or education, the licensee furnishes the Department with satisfactory evidence of service, training, or education and was terminated under honorable conditions.

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

(e) The Department shall not issue or renew a license if the applicant or licensee has an unpaid fine or fee from a

disciplinary matter or from a non-disciplinary action imposed by the Department until the fine or fee is paid to the Department or the applicant or licensee has entered into a payment plan and is current on the required payments.

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

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

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

(i) No licensee with a nonrenewed or inactive license status shall provide home inspection services as set forth in this Act.

(Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

(225 ILCS 441/5-20)

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

Sec. 5-20. Endorsement. The Department may, in its discretion, license as a home inspector, by endorsement, on payment of the required fee, and without the required examination, an applicant who is a home inspector licensed under the laws of another state or territory, if ~~(i)~~ the requirements for licensure in the state or territory in which the applicant was licensed were, at the date of licensure, substantially equivalent to the requirements in force in this State on that date, ~~or (ii) there were no requirements in force in this State on the date of licensure and the applicant possessed individual qualifications on that date that are substantially similar to the requirements under this Act.~~ The Department may adopt any rules necessary to implement this Section.

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

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

(225 ILCS 441/15-10)

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

Sec. 15-10. Grounds for disciplinary action.

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

(1) Fraud or misrepresentation in applying for~~r~~ or procuring a license under this Act or in connection with applying for renewal of a license under this Act.

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

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

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

(5) Committing an act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the licensee or another person or

with the intent to substantially injure another person.

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

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

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

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

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

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

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

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

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

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

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

(17) Failing to include within the home inspection report the home inspector's license number and the date of

expiration of the license. The names of (i) all persons who conducted the home inspection; and (ii) all persons who prepared the subsequent written evaluation or any part thereof must be disclosed in the report. It is a violation of this Act for a home inspector to sign a home inspection report knowing that the names of all such persons have not been disclosed in the home inspection report.

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

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

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

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

(22) Inability to practice with reasonable judgment, skill, or safety as a result of habitual or excessive use

or addiction to alcohol, narcotics, stimulants, or any other chemical agent or drug, which may result in significant harm to the public.

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

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

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

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

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

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

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

(ii) advertising that contains a misrepresentation of facts or false statements regarding the licensee's

professional achievements, degrees, training, skills, or qualifications in the home inspection profession or any other profession requiring licensure;

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

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

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

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

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

(b) The Department may suspend, revoke, or refuse to issue or renew an education provider's license, may reprimand, place on probation, or otherwise discipline an education provider licensee, and may suspend or revoke the course approval of any

course offered by an education provider, for any of the following:

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

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

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

(4) Engaging in misleading or untruthful advertising.

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

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

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

(8) Failing to provide an appropriate classroom environment for presentation of courses, with consideration for student comfort, acoustics, lighting,

seating, workspace, and visual aid material.

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

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

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

(c) (Blank).

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

(e) (Blank).

(f) In cases where the Department of Healthcare and Family Services has previously determined that a licensee or a

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

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

(h) (Blank).

(i) In accordance with subsection (g-5) of Section 2105-15 of the Civil Administrative Code of Illinois, the Department may refuse to issue, refuse to renew, suspend, or revoke, without a hearing, the license of any person or entity who fails to pay, perform, or secure workers' compensation obligations as determined by and based solely upon the certification of the Department of Insurance or the Illinois Workers' Compensation Commission.

(Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24; revised 6-25-25.)

(225 ILCS 441/15-10.1)

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

Sec. 15-10.1. Citations.

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

(b) Service of a citation shall be made in person, electronically, or by mail to the licensee at the licensee's address of record or email address of record, and the citation must clearly state that if the cited licensee wishes to dispute the citation, the cited licensee may make a written request, within 30 days after the citation is served, for a hearing before the Department. If the cited licensee does not request a hearing within 30 days after the citation is served,

then ~~the citation shall become~~ a final, non-disciplinary order shall be entered, and any fine imposed is due and payable within 30 ~~60~~ days after the entry of that final order. If the cited licensee requests a hearing within 30 days after the citation is served, the Department shall afford the cited licensee a hearing conducted in the same manner as a hearing provided for in this Act for any violation of this Act and shall determine whether the cited licensee committed the violation as charged and whether the fine as levied is warranted. If the violation is found, any fine shall constitute non-public discipline and be due and payable within 30 days after the order of the Secretary, which shall constitute a final order of the Department. No change in license status may be made by the Department until a final order of the Department has been issued.

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

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

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

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

Sec. 15-11. Illegal discrimination.

(a) When there has been an adjudication in a civil or criminal proceeding that a licensee has illegally discriminated while engaged in any activity for which a license is required under this Act, the Department, following the provision of notice to the licensee and a hearing conducted in accordance with Section 15-15 and upon the determination by the Secretary as to the extent of the suspension or revocation, shall suspend or revoke the license of that licensee in a timely manner, unless the adjudication is in the appeal process. The finding or judgment of the civil or criminal proceeding is a matter of record and the merits of the finding or judgment shall not be challenged in a request for a hearing by the licensee.

(b) When there has been an order in an administrative proceeding finding that a licensee has illegally discriminated while engaged in any activity for which a license is required under this Act, the Department, following the provision of notice to the licensee and a hearing conducted in accordance with Section 15-15 and upon the determination by the Secretary as to the nature and extent of the discipline, shall take one or more of the disciplinary actions provided for in Section 15-10 of this Act in a timely manner, unless the administrative order is in the appeal process. The finding of the administrative order is a matter of record and the merits

of the finding shall not be challenged in a request for a hearing by the licensee.

(Source: P.A. 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

(225 ILCS 441/15-15)

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

Sec. 15-15. Investigation; notice; hearing. The Department may investigate the actions of any person who is an applicant, licensee, person or persons rendering or offering to render home inspection services, or any person holding or claiming to hold a license as a home inspector. The Department shall, before refusing to issue or renew a license or to discipline a person pursuant to Section 15-10, at least 30 days prior to the date set for the hearing, (i) notify the person charged in writing and the person's managing licensed home inspector, if any, of the charges made and the time and place for the hearing on the charges, (ii) direct the person to file a written answer with the Department under oath within 20 days after the service of the notice, and (iii) inform the person that failure to file an answer will result in a default entered against the person. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or ~~of~~ their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving

the notice, fails to file an answer, the license~~r~~ may, in the discretion of the Department, be revoked, suspended, placed on probationary status, or the Department may take whatever disciplinary actions considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under the Act. The notice may be served by mail, or, at the discretion of the Department, by electronic means to the address of record or email address of record specified by the person as last updated with the Department.

The Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action to suspend, revoke, or otherwise discipline any license issued by the Department. The hearing officer shall have full authority to conduct the hearing.

A copy of the hearing officer's report or any Order of Default, along with a copy of the original or amended complaint giving rise to the action, shall be served upon the person by the Department in the manner provided in this Act for the service of a notice of hearing. Within 20 days after service, the person may present to the Department a motion in writing for a rehearing, which shall specify the particular grounds for rehearing. If the person orders from the reporting service and pays for a transcript of the record within the time

for filing a motion for rehearing, then the 20-day period during which a motion may be filed shall commence upon the delivery of the transcript to the applicant or licensee. The Department may respond to the motion, or if a motion for rehearing is denied, then upon denial, the Secretary may enter an order in accordance with the recommendations of the hearing officer. If the Secretary disagrees in any regard with the report of the hearing officer, the Secretary may issue an order in contravention thereof. A copy of the Department's final disciplinary order shall be delivered to the person and the person's managing home inspector, if any.

(Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24.)

Section 45. The Real Estate Appraiser Licensing Act of 2002 is amended by changing Sections 1-10, 5-25, 5-30, 15-10, 15-10.1, 15-11, 15-15, and 25-10 as follows:

(225 ILCS 458/1-10)

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

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

"Accredited college or university, junior college, or community college" means a college or university, junior college, or community college that is approved or accredited by the Board of Higher Education, a regional or national accreditation association, or by an accrediting agency that is

recognized by the U.S. Secretary of Education.

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

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

"Appraisal" means (noun) the act or process of developing an opinion of value; an opinion of value (adjective) of or pertaining to appraising and related functions, such as appraisal practice or appraisal services.

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

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

"Appraisal management company" means any corporation, limited liability company, partnership, sole proprietorship, subsidiary, unit, or other business entity that directly or indirectly: (1) provides appraisal management services to creditors or secondary mortgage market participants, including affiliates; (2) provides appraisal management services in connection with valuing the consumer's principal dwelling as security for a consumer credit transaction (including consumer

credit transactions incorporated into securitizations); and (3) any appraisal management company that, within a given 12-month period, oversees an appraiser panel of 16 or more State-certified appraisers in Illinois or 25 or more State-certified or State-licensed appraisers in 2 or more jurisdictions. "Appraisal management company" includes a hybrid entity.

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

"Appraisal qualification board (AQB)" means the independent board of the Appraisal Foundation, which, under the provisions of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, establishes the minimum education, experience, and examination requirements for real property appraisers to obtain a state certification or license.

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

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

"Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council as

established by Title XI.

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

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

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

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

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

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

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

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

"Comparative market analysis" is an analysis or opinion regarding pricing, marketing, or financial aspects relating to a specified interest or interests in real estate that may be based upon an analysis of comparative market data, the expertise of the real estate broker or managing broker, and such other factors as the broker or managing broker may deem appropriate in developing or preparing such analysis or opinion. The activities of a real estate broker or managing broker engaging in the ordinary course of business as a broker, as defined in this Section, shall not be considered a comparative market analysis if no compensation is paid to the

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

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

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

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the licensee's license file maintained by the Department.

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

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

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

"Financial institution" means any bank, savings bank, savings and loan association, credit union, mortgage broker,

mortgage banker, licensee under the Consumer Installment Loan Act or the Sales Finance Agency Act, or a corporate fiduciary, subsidiary, affiliate, parent company, or holding company of any such licensee, or any institution involved in real estate financing that is regulated by state or federal law.

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

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

"Licensee" means any person licensed under this Act.

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

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

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

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

- (1) the sale, lease, purchase, investment in, or exchange of real property, including interests in property

or the financing thereof;

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

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

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

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

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

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

"Supervising appraiser" means either (i) an appraiser who holds a valid license under this Act as either a State certified general real estate appraiser or a State certified

residential real estate appraiser, who co-signs an appraisal report for an associate real estate trainee appraiser or (ii) a State certified general real estate appraiser who holds a valid license under this Act who co-signs an appraisal report for a State certified residential real estate appraiser on properties other than one to 4 units of residential real property without regard to transaction value or complexity.

"Title XI" means Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

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

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

(Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21; 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

(225 ILCS 458/5-25)

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

Sec. 5-25. Renewal of license.

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

preceding the expiration date by:

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

(2) paying the required fees; and

(3) providing evidence to the Department, or through a multi-state licensing system as designated by the Secretary, of successful completion of the continuing education requirements through courses approved by the Department from education providers licensed by the Department, as established by the AQB and by rule.

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

(c) (Blank).

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

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

(2) paying the required fees; and

(3) providing evidence to the Department, or through a multi-state licensing system as designated by the Secretary, of successful completion of the continuing education requirements through courses approved by the Department from education providers approved by the Department, as established by rule.

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

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

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

(2) serving as the Coordinator or an employee of the Department who was required to surrender the license

during the term of employment.

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

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

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

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

(Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

(225 ILCS 458/5-30)

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

Sec. 5-30. Endorsement. The Department may issue an appraiser license, without the required examination, to an applicant licensed by another state, territory, possession of the United States, or the District of Columbia, if (i) the licensing requirements of that licensing authority are, on the date of licensure, substantially equal to the requirements set forth under this Act or to a person who, at the time of the application, possessed individual qualifications that were substantially equivalent to the requirements of this Act and ~~or~~ (ii) the applicant provides the Department with evidence of good standing from the Appraisal Subcommittee National Registry report and a criminal history records check in accordance with Section 5-22. An applicant under this Section shall pay all of the required fees.

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

(225 ILCS 458/15-10)

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

Sec. 15-10. Grounds for disciplinary action.

(a) The Department may suspend, revoke, refuse to issue, renew, or restore a license and may reprimand, place on probation or administrative supervision, or take any disciplinary or non-disciplinary action, including imposing conditions limiting the scope, nature, or extent of the real

estate appraisal practice of a licensee or reducing the appraisal rank of a licensee, and may impose an administrative fine not to exceed \$25,000 for each violation upon a licensee or applicant under this Act or any person who holds oneself out as an applicant or licensee for any one or combination of the following:

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

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

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

(4) Conviction of, or plea of guilty or nolo contendere, as enumerated in subsection (e) of Section 5-22, under the laws of any jurisdiction of the United States to: (i) ~~that is~~ a felony, misdemeanor, or administrative sanction or (ii) ~~that is~~ a crime that subjects the licensee to compliance with the requirements of the Sex Offender Registration Act.

(5) Committing an act or omission involving

dishonesty, fraud, or misrepresentation with the intent to substantially benefit the licensee or another person or with intent to substantially injure another person as defined by rule.

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

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

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

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

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

(11) Accepting an appraisal assignment when the employment itself is contingent upon the appraiser

reporting a predetermined estimate, analysis, or opinion or when the fee to be paid is contingent upon the opinion, conclusion, or valuation reached or upon the consequences resulting from the appraisal assignment.

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

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

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

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

(16) Engaging in misleading or untruthful advertising

or using a trade name or insignia of membership in a real estate appraisal or real estate organization of which the licensee is not a member.

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

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

(19) Violating the terms of a disciplinary order or Consent ~~consent~~ to Administrative Supervision ~~administrative supervision~~ order.

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

may result in significant harm to the public.

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

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

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

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

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

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

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

(b) The Department may reprimand, suspend, revoke, or refuse to issue or renew an education provider's license, may reprimand, place on probation, or otherwise discipline an education provider, and may suspend or revoke the course

approval of any course offered by an education provider and may impose an administrative fine not to exceed \$25,000 upon an education provider, for any of the following:

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

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

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

(4) Engaging in misleading or untruthful advertising.

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

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

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

(8) Failing to provide an appropriate classroom environment for presentation of courses, with

consideration for student comfort, acoustics, lighting, seating, workspace, and visual aid material.

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

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

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

(c) In appropriate cases, the Department may resolve a complaint against a licensee through the issuance of a Consent to Administrative Supervision order. A licensee subject to a Consent to Administrative Supervision order shall be considered by the Department as an active licensee in good standing. This order shall not be reported or considered by the Department to be a discipline of the licensee. The records regarding an investigation and a Consent to Administrative Supervision order shall be considered confidential and shall not be released by the Department except as mandated by law.

(Source: P.A. 102-20, eff. 1-1-22; 103-236, eff. 1-1-24; revised 6-24-25.)

(225 ILCS 458/15-10.1)

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

Sec. 15-10.1. Citations.

(a) The Department may adopt rules to permit the issuance of citations to any licensee for failure to comply with the continuing education requirements set forth in this Act or as established by rule. The citation shall be issued to the licensee. For associate real estate trainee appraisers, a copy shall also be sent to the licensee's supervising appraiser of record. The citation shall contain the licensee's name, the licensee's address, the licensee's license number, the number of required hours of continuing education that have not been successfully completed on or before ~~by the licensee's licensee~~ ~~within the renewal deadline period~~, and the penalty imposed, which shall not exceed \$2,000. The issuance of a citation shall not excuse the licensee from completing all continuing education required for that term of licensure ~~renewal period~~.

(b) Service of a citation shall be made in person, electronically, or by mail to the licensee at the licensee's address of record or email address of record and ~~Service of a citation~~ must clearly state that if the cited licensee wishes to dispute the citation, the cited licensee may make a written request, within 30 days after the citation is served, for a hearing before the Department. If the cited licensee does not request a hearing within 30 days after the citation is served, then ~~the citation shall become~~ a final, non-disciplinary order

shall be entered, and any fine imposed is due and payable within 30 ~~60~~ days after the entry of that final order. If the cited licensee requests a hearing within 30 days after the citation is served, the Department shall afford the cited licensee a hearing conducted in the same manner as a hearing provided for in this Act for any violation of this Act and shall determine whether the cited licensee committed the violation as charged and whether the fine as levied is warranted. If the violation is found, any fine shall constitute non-public discipline and be due and payable within 30 days after the order of the Secretary, which shall constitute a final order of the Department. No change in license status may be made by the Department until a final order of the Department has been issued.

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

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

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

(225 ILCS 458/15-11)

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

Sec. 15-11. Illegal discrimination.

(a) When there has been an adjudication in a civil or criminal proceeding that a licensee has illegally discriminated while engaged in any activity for which a license is required under this Act, the Department, following notice to the licensee and a hearing in accordance with Section 15-15 and upon the recommendation of the Board as to the extent of the suspension or revocation, shall suspend or revoke the license of that licensee in a timely manner, unless the adjudication is in the appeal process. The finding or judgment of the civil or criminal proceeding is a matter of record, the merits of which shall not be challenged in a request for a hearing by the licensee.

(b) When there has been an order in an administrative proceeding finding that a licensee has illegally discriminated while engaged in any activity for which a license is required under this Act, the Department, following notice to the licensee and a hearing in accordance with Section 15-15, and upon recommendation of the Board as to the nature and extent of the discipline, shall take one or more of the disciplinary actions provided for in this Act ~~Section 15-10~~ in a timely manner, unless the administrative order is in the appeal process. The finding of the administrative order is a matter of record, the merits of which shall not be challenged in a request for a hearing by the licensee.

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

(225 ILCS 458/15-15)

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

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

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

(b) Formal disciplinary proceedings shall commence upon the issuance of a written complaint describing the charges that are the basis of the disciplinary action and delivery of the detailed complaint to the most recent address of record or email address of record of the person charged as provided to the Department. For an associate real estate trainee appraiser, a copy shall also be sent to the licensee's

supervising appraiser of record at the supervising appraiser's most recent address of record or email address of record as provided to the Department. The Department shall notify the person to file a verified written answer within 20 days after the service of the notice and complaint. The notification shall inform the person of the right to be heard in person or by legal counsel; that the hearing will be afforded not sooner than 20 days after service of the complaint; that failure to file an answer after service of notice will result in a default being entered against the person; that the license may be suspended, revoked, or placed on probationary status; and that the Department may take whatever other disciplinary action may be taken pursuant to this Act, including limiting the scope, nature, or extent of the licensee's practice. ~~If the person fails to file an answer after service of notice, the respective license may, at the discretion of the Department, be suspended, revoked, or placed on probationary status and the Department may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the person's practice, without a hearing.~~

(c) At the time and place fixed in the notice, the Department Board shall conduct a hearing of the charges, providing the parties ~~both the person charged and the complainant~~ ample opportunity to present in person or by counsel such statements, testimony, evidence, and argument as may be pertinent to the charges or to a defense thereto. The

Department may continue such hearing from time to time.

If the person fails to file an answer after service of notice, the respective license may, at the discretion of the Department, be suspended, revoked, or placed on probationary status and the Department may take whatever disciplinary action it deems proper, including limiting the scope, nature, or extent of the person's practice, without a hearing, if the act or acts charged constitute sufficient grounds for such action under this Act.

(c-5) The Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action to suspend, revoke, or otherwise discipline any license issued by the Department. The Hearing Officer shall have full authority to conduct the hearing.

There may be present one or more members of the Board at any such hearing. The hearing officer shall report the hearing officer's findings and recommendations to the Board and the Secretary. The Board shall have 60 days from receipt of the report to review the report of the hearing officer and present its findings of fact, conclusions of law, and recommendations to the Secretary. If the Board fails to present its findings of fact, conclusions of law, and recommendations within the 60-day period, the Department may request in writing a direct appeal to the Secretary, in which case the Secretary may issue an order based upon the report of the hearing officer and the

record of the proceedings or issue an order remanding the matter back to the hearing officer for additional proceedings in accordance with the order. If the Board fails to present its findings of fact, conclusions of law, and recommendations within a 60-day period after receiving an Order of Default, the Department may request in writing a direct appeal to the Secretary.

(d) The Board shall present to the Secretary a written report of its findings of fact and recommendations. A copy of the report shall be served upon the person either by mail or, at the discretion of the Department, by electronic means. For associate real estate trainee appraisers, a copy shall also be sent to the licensee's supervising appraiser of record. Within 20 days after the service, the person may present to the Department ~~Secretary with~~ a motion in writing for a rehearing that specifies ~~and shall specify~~ the particular grounds for the request. If the person orders a transcript of the record from the applicable reporting service and pays for the transcript within the 20-day period for filing a motion for rehearing, the 20-day period shall restart upon the delivery of the transcript.

Notwithstanding any other provision of this Section, if the Secretary, upon review, determines that substantial justice has not been done in the revocation, suspension, or refusal to issue or renew a license or any other disciplinary action taken as a result of the entry of the hearing officer's

report, the Secretary may order a rehearing by the Board or other special committee appointed by the Secretary or may remand the matter to the Board for its reconsideration of the matter based on the pleadings and evidence presented to the Board. If the Secretary disagrees in any regard with the report of the Board or the hearing officer, the Secretary may issue an order in contravention of the Board or the hearing officer. ~~If the person orders a transcript of the record as provided in this Act, the time elapsing thereafter and before the transcript is ready for delivery to the person shall not be counted as part of the 20 days. If the Secretary is not satisfied that substantial justice has been done, the Secretary may order a rehearing by the Board or other special committee appointed by the Secretary, may remand the matter to the Board for its reconsideration of the matter based on the pleadings and evidence presented to the Board, or may enter a final order in contravention of the Board's recommendation.~~ Notwithstanding a person's failure to file a motion for rehearing, the Secretary shall have the right to take any of the actions specified in this subsection (d). Upon the suspension or revocation of a license, the licensee shall be required to surrender the respective license to the Department, and upon failure or refusal to do so, the Department shall have the right to seize the license.

(e) The Department has the power to issue subpoenas and subpoenas duces tecum to bring before it any person in this

State, to take testimony, or to require production of any records relevant to an inquiry or hearing by the Board in the same manner as prescribed by law in judicial proceedings in the courts of this State. In a case of refusal of a witness to attend, testify, or to produce books or papers concerning a matter upon which the witness might be lawfully examined, the circuit court of the county where the hearing is held, upon application of the Department or any party to the proceeding, may compel obedience by proceedings as for contempt.

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

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

(h) (Blank). ~~The Secretary shall have the authority to appoint an attorney duly licensed to practice law in the State of Illinois to serve as the hearing officer in any action to suspend, revoke, or otherwise discipline any license issued by the Department. The Hearing Officer shall have full authority to conduct the hearing.~~

(i) The Department, at its expense, shall preserve a record of all formal hearings of any contested case involving

the discipline of a license. At all hearings or pre-hearing conferences, the Department and the licensee shall be entitled to have the proceedings transcribed by a certified shorthand reporter. A copy of the transcribed proceedings shall be made available to the licensee by the certified shorthand reporter upon payment of the prevailing contract copy rate.

(Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22; 103-236, eff. 1-1-24; revised 6-24-25.)

(225 ILCS 458/25-10)

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

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

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

(1) All appointed members shall have been residents and citizens of this State for at least 5 years prior to the date of appointment.

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

(3) Four appointed members shall have been actively engaged and currently licensed as State certified general

real estate appraisers for a period of not less than 5 years.

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

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

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

(7) One appointed member shall represent the interests of the general public. This member or the member's spouse shall not be licensed under this Act nor be employed by or have any financial interest in an appraisal business, appraisal management company, real estate brokerage business, or a financial institution.

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

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

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

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

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

(d) A majority of the Board members shall constitute a quorum. A vacancy in the membership of the Board shall not impair the right of a quorum to exercise all of the rights and perform all of the duties of the Board.

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

(f) The Board shall, annually at the first meeting of the

fiscal year, elect a Chairperson and Vice-Chairperson from its members. The Chairperson shall preside over the meetings and shall coordinate with the Coordinator in developing and distributing an agenda for each meeting. In the absence of the Chairperson, the Vice-Chairperson shall preside over the meeting.

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

(h) The Board shall advise and make recommendations to the Department on the education and experience qualifications of any applicant for initial licensure as a State certified general real estate appraiser or a State certified residential real estate appraiser. The Department shall not make any decisions concerning education or experience qualifications of an applicant for initial licensure as a State certified general real estate appraiser or a State certified residential real estate appraiser without having first received the advice and recommendation of the Board and shall give due consideration to all such advice and recommendations; however, if the Board does not render advice or make a recommendation within a reasonable amount of time, then the Department may render a decision.

(i) Except as provided in Section 15-17 of this Act, the Board shall hear and make recommendations to the Secretary on disciplinary matters that require a formal evidentiary hearing. The Secretary shall give due consideration to the

recommendations of the Board involving discipline and questions involving standards of professional conduct of licensees.

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

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

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

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

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

(o) (Blank).

(Source: P.A. 102-20, eff. 1-1-22; 102-970, eff. 5-27-22; 103-236, eff. 1-1-24.)

Section 50. The Appraisal Management Company Registration Act is amended by changing Sections 10, 15, 20, 43, 45, 60, 65, 75, 105, 110, 125, 165 as follows:

(225 ILCS 459/10)

Sec. 10. Definitions. In this Act:

"Address of record" means the principal address recorded by the Department in the applicant's or registrant's application file or registration file maintained by the Department's registration maintenance unit.

"Applicant" means a person or entity who applies to the Department for a registration under this Act.

"Appraisal" means (noun) the act or process of developing an opinion of value; an opinion of value (adjective) of or pertaining to appraising and related functions.

"Appraisal firm" means an appraisal entity that is 100% owned and controlled by a person or persons licensed in Illinois as a certified general real estate appraiser or a

certified residential real estate appraiser. An appraisal firm does not include an appraisal management company.

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

"Appraisal management company national registry fee" means the fee implemented pursuant to Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 for an appraiser management company's national registry.

"Appraisal management services" means one or more of the following:

- (1) recruiting, selecting, and retaining appraisers;
- (2) contracting with State-certified or State-licensed

appraisers to perform appraisal assignments;

(3) managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports; submitting completed appraisal reports to creditors and secondary market participants; collecting compensation from creditors, underwriters, or secondary market participants for services provided; and ~~or~~ paying appraisers for services performed; and ~~or~~

(4) reviewing and verifying the work of appraisers.

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

"Appraiser panel fee" means the amount collected from a registrant that, where applicable, includes an appraisal management company's national registry fee.

"Appraisal report" means a written appraisal by an appraiser to a client.

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

"Appraisal subcommittee" means the appraisal subcommittee of the Federal Financial Institutions Examination Council as established by Title XI.

"Appraiser" means a person who performs real estate or real property appraisals.

"Assignment result" means an appraiser's opinions and conclusions developed specific to an assignment.

"Audit" includes, but is not limited to, an annual or special audit, visit, or review necessary under this Act or required by the Secretary or the Secretary's authorized representative in carrying out the duties and responsibilities under this Act.

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

"Controlling person" means:

(1) an owner, officer, or director of an entity seeking to offer appraisal management services;

(2) an individual employed, appointed, or authorized by an appraisal management company who has the authority to:

(A) enter into a contractual relationship with a client for the performance of an appraisal management

service or appraisal practice service; and

(B) enter into an agreement with an appraiser for the performance of a real estate appraisal activity;

(3) an individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company; or

(4) an individual who will act as the sole compliance officer with regard to this Act and any rules adopted under this Act.

"Covered transaction" means a consumer credit transaction secured by a consumer's principal dwelling.

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

"Email address of record" means the designated email address recorded by the Department in the applicant's application file or the registrant's registration file maintained by the Department's registration maintenance unit.

"Entity" means a corporation, a limited liability company, partnership, a sole proprietorship, or other entity providing services or holding itself out to provide services as an appraisal management company or an appraisal management service.

"End-user client" means any person who utilizes or engages the services of an appraiser through an appraisal management company.

"Federally regulated appraisal management company" means an appraisal management company that is owned and controlled by an insured depository institution, as defined in 12 U.S.C. 1813, or an insured credit union, as defined in 12 U.S.C. 1752, and regulated by the Office of the Comptroller of the Currency, the Federal Reserve Board, the National Credit Union Association, or the Federal Deposit Insurance Corporation.

"Financial institution" means any bank, savings bank, savings and loan association, credit union, mortgage broker, mortgage banker, registrant under the Consumer Installment Loan Act or the Sales Finance Agency Act, or a corporate fiduciary, subsidiary, affiliate, parent company, or holding company of any registrant, or any institution involved in real estate financing that is regulated by State or federal law.

"Foreign appraisal management company" means any appraisal management company organized under the laws of any other state of the United States, the District of Columbia, or any other jurisdiction of the United States.

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

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

"Person" means individuals, entities, sole proprietorships, corporations, limited liability companies,

and alien, foreign, or domestic partnerships, except that when the context otherwise requires, the term may refer to a single individual or other described entity.

"Principal dwelling" means a residential structure that contains one to 4 units, whether or not that structure is attached to real property. "Principal dwelling" includes an individual condominium unit, cooperative unit, manufactured home, mobile home, and trailer, if it is used as a residence.

"Principal office" means the actual, physical business address, which shall not be a post office box or a virtual business address, of a registrant, at which (i) the Department may contact the registrant and (ii) records required under this Act are maintained.

"Qualified to transact business in this State" means being in compliance with the requirements of the Business Corporation Act of 1983.

"Quality control review" means a review of an appraisal report for compliance and completeness, including grammatical, typographical, or other similar errors, unrelated to developing an opinion of value.

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

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

- (1) the sale, lease, purchase, investment in, or exchange of real property, including interests in property

or the financing thereof;

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

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

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

"Secretary" means the Secretary of Financial and Professional Regulation.

"USPAP" means the Uniform Standards of Professional Appraisal Practice as adopted by the Appraisal Standards Board under Title XI.

"Valuation" means any estimate of the value of real property in connection with a creditor's decision to provide credit, including those values developed under a policy of a government sponsored enterprise or by an automated valuation model or other methodology or mechanism.

"Written notice" means a communication transmitted by mail or by electronic means that can be verified between an appraisal management company and a licensed or certified real estate appraiser.

(Source: P.A. 102-20, eff. 1-1-22; 102-687, eff. 12-17-21.)

(225 ILCS 459/15)

Sec. 15. Exemptions.

(a) Nothing in this Act shall apply to any of the following:

(1) an agency of the federal, State, county, or municipal government or an officer or employee of a governmental ~~government~~ agency, or person, described in this Section when acting within the scope of employment of the officer or employee;

(2) a corporate relocation company when the appraisal is not used for mortgage purposes and the end user client is an employer company;

(3) any person licensed in this State under any other Act while engaged in the activities or practice for which the person ~~he or she~~ is licensed;

(4) any person licensed to practice law in this State who is working with or on behalf of a client of that person in connection with one or more appraisals for that client;

(5) an appraiser that enters into an agreement, whether written or otherwise, with another appraiser for the performance of an appraisal, and upon the completion of the appraisal, the report of the appraiser performing the appraisal is signed by both the appraiser who completed the appraisal and the appraiser who requested the completion of the appraisal, except that an appraisal management company may not avoid the requirement of registration under this Act by requiring an employee of the appraisal management company who is an appraiser to

sign an appraisal that was completed by another appraiser who is part of the appraisal panel of the appraisal management company;

(6) any person acting as an agent of the Illinois Department of Transportation in the acquisition or relinquishment of land for transportation issues to the extent of their contract scope;

(7) a design professional entity when the appraisal is not used for mortgage purposes and the end user client is an agency of State government or a unit of local government;

(8) an appraiser firm whose ownership is appropriately certified under the Real Estate Appraiser Licensing Act of 2002;

(9) an appraisal management company solely engaged in non-residential appraisal management services; or

(10) a department or division of an entity that provides appraisal management services only to that entity.

(b) A federally regulated appraisal management company shall register with the Department for the sole purpose of collecting required information for, and to pay all fees associated with, the State of Illinois' obligation to register the federally regulated appraisal management company with the Appraisal Management Companies National Registry, but the federally regulated appraisal management company is otherwise

exempt from all other provisions in this Act.

(c) In the event that the Final Interim Rule of the federal Dodd-Frank Wall Street Reform and Consumer Protection Act provides that an appraisal management company is a subsidiary owned and controlled by a financial institution regulated by a federal financial institution's regulatory agency and is exempt from State appraisal management company registration requirements, the Department, shall, by rule, provide for the implementation of such an exemption.

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

(225 ILCS 459/20)

Sec. 20. Restrictions and limitations. Beginning January 1, 2012, it is unlawful for a person or entity to act or assume to act as an appraisal management company as defined in this Act, to engage in the business of appraisal management service, or to advertise or hold oneself ~~himself or herself~~ out to be a registered appraisal management company without first obtaining a registration issued by the Department under this Act. A person or entity that violates this Section is guilty of a Class A misdemeanor for the first offense and a Class 4 felony for second and subsequent offenses.

(Source: P.A. 100-604, eff. 7-13-18.)

(225 ILCS 459/43)

Sec. 43. Application denial. If an application is denied,

the applicant may, within 20 days after the date of the notice of denial, make a written request to the Secretary for a hearing on the application, and the Secretary shall set a time and place for the hearing. The hearing shall be set for a date after the receipt by the Secretary of the request for hearing, and notice of the time and place of the hearing shall be communicated to the applicant at least 10 days before the date of the hearing. The applicant shall pay the actual cost of making the transcript of the hearing before the Secretary issues a ~~his or her~~ decision following the hearing. If, following the hearing, the application is denied, the Secretary shall prepare and keep on file ~~in his or her office~~ a written order of denial thereof that shall contain the ~~his or her~~ findings and the reasons supporting the denial and shall communicate a copy to the applicant in a manner prescribed by the Department. A decision may be reviewed as provided in Section 135.

(Source: P.A. 100-604, eff. 7-13-18.)

(225 ILCS 459/45)

Sec. 45. Expiration and renewal of registration. The expiration date and renewal period for each registration shall be set by rule. A registrant whose registration has expired may reinstate the ~~his or her~~ registration at any time within 5 years after the expiration thereof, by making a renewal application and by paying the required fee.

Any registrant whose registration has expired for more than 5 years may have it restored by making an application to the Department, paying the required fee, and filing acceptable proof of fitness to have the registration restored as set by rule.

(Source: P.A. 97-602, eff. 8-26-11.)

(225 ILCS 459/60)

Sec. 60. Returned checks; fines. Any person who delivers a check or other payment to the Department that is returned to the Department unpaid by the financial institution upon which it is drawn shall pay to the Department, in addition to the amount already owed to the Department, a fine of \$50. The fines imposed by this Section are in addition to any other discipline provided under this Act for unregistered practice or practice on a nonrenewed registration. The Department shall notify the person that payment of fees and fines shall be paid to the Department by certified check or money order within 30 calendar days of the notification. If, after the expiration of 30 days after the date of the notification, the person has failed to submit the necessary remittance, the Department shall automatically terminate the registration or deny the application, without hearing. If, after termination or denial, the person seeks a registration, the person ~~he or she~~ shall apply to the Department for restoration or issuance of the registration and pay all fees and fines due to the Department.

The Department may establish a fee for the processing of an application for restoration of a registration to pay all expenses of processing this application. The Secretary may waive the fines due under this Section in individual cases where the Secretary finds that the fines would be unreasonable or unnecessarily burdensome.

(Source: P.A. 97-602, eff. 8-26-11.)

(225 ILCS 459/65)

Sec. 65. Disciplinary actions.

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

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

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

(3) Conviction of or entry of a plea of guilty or nolo contendere to any crime that is a felony under the laws of the United States or any state or territory thereof or that is a misdemeanor of which an essential element is

dishonesty, or any crime that is directly related to the practice of the profession.

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

(5) Professional incompetence.

(6) Gross malpractice.

(7) Aiding or assisting another person in violating any provision of this Act, the Illinois Real Estate Appraiser Licensing Act of 2002, or the ~~or~~ rules adopted under either ~~this~~ Act.

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

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

(10) Discipline by another state, the District of Columbia, a territory, or a foreign nation, if at least one of the grounds for the discipline is the same or substantially equivalent to those set forth in this Section.

(11) A finding by the Department that the registrant, after having the registrant's registration placed on probationary status, has violated the terms of probation.

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

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

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

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

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

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

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

(19) Violating the terms of any order issued by the Department.

(b) The Department may refuse to issue or may suspend without hearing as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois the registration of any person who fails to file a return, or to pay the tax, penalty, or interest shown in a filed return, or to pay any final assessment of the tax,

penalty, or interest as required by any tax Act administered by the Illinois Department of Revenue, until such time as the requirements of any such tax Act are satisfied.

(b-5) The Department may refuse to issue or renew or may suspend without hearing as provided for in the Department of Professional Regulation Law of the Civil Administrative Code of Illinois the registration of any person who fails to pay or secure workers' compensation obligations as determined by and based solely upon the certification of the Department of Insurance or the Illinois Workers' Compensation Commission.

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

(Source: P.A. 103-236, eff. 1-1-24; revised 6-24-25.)

Sec. 75. Investigations; notice and hearing. The Department may investigate the actions of any person who is an applicant or of any person or persons rendering or offering to render any services requiring registration under this Act or any person holding or claiming to hold a registration as an appraisal management company. The Department shall, before revoking, suspending, placing on probation, reprimanding, or taking any other disciplinary or non-disciplinary action under Section 65 or Section 165 of this Act, at least 30 days before the date set for the hearing, (i) notify the person charged in writing of the charges made and the time and place for the hearing on the charges, (ii) direct the person to file a written answer to the charges with the Department under oath within 20 days after service of the notice, and (iii) inform the person that, if the person fails to answer, default will be entered or that the person's registration may be suspended, revoked, placed on probationary status, or other disciplinary action taken with regard to the registration, including limiting the scope, nature, or extent of the person's practice, as the Department may consider proper. At the time and place fixed in the notice, the Department shall proceed to hear the charges and the parties or their counsel shall be accorded ample opportunity to present any pertinent statements, testimony, evidence, and arguments. The Department may continue the hearing from time to time. In case the person, after receiving the notice, fails to file an answer, the

person's registration may, in the discretion of the Department, be suspended, revoked, placed on probationary status, or the Department may take whatever disciplinary action considered proper, including limiting the scope, nature, or extent of the person's practice or the imposition of a fine, without a hearing, if the act or acts charged constitute sufficient grounds for that action under this Act. The written notice may be served by certified mail or electronic mail to the last address of record or email address of record as provided to the Department or, if in the course of the administrative proceeding the party has previously designated a specific email address at which to accept electronic service for that specific proceeding, by sending a copy by email to the party's email address on record.

(Source: P.A. 103-236, eff. 1-1-24.)

(225 ILCS 459/105)

Sec. 105. Secretary; rehearing. Whenever the Secretary believes that substantial justice has not been done in the revocation, suspension, or refusal to issue, restore, or renew a registration, or other discipline of an applicant or registrant, the Secretary ~~he or she~~ may order a rehearing by the same or other hearing officers.

(Source: P.A. 97-602, eff. 8-26-11.)

(225 ILCS 459/110)

Sec. 110. Appointment of a hearing officer. The Secretary has the authority to appoint any attorney licensed to practice law in the State to serve as the hearing officer in any action for refusal to issue, restore, or renew a registration or to discipline a registrant. The hearing officer has full authority to conduct the hearing. The hearing officer shall report the ~~his or her~~ findings of fact, conclusions of law, and recommendations to the Secretary. If the Secretary disagrees with the recommendation of the hearing officer, the Secretary may issue an order in contravention of the recommendation.

(Source: P.A. 97-602, eff. 8-26-11.)

(225 ILCS 459/125)

Sec. 125. Surrender of registration. Upon the revocation or suspension of a registration, the registrant shall immediately surrender the ~~his or her~~ registration to the Department. If the registrant fails to do so, the Department has the right to seize the registration.

(Source: P.A. 97-602, eff. 8-26-11.)

(225 ILCS 459/165)

Sec. 165. Prohibited activities.

(a) No person or entity acting in the capacity of an appraisal management company shall improperly influence or attempt to improperly influence the development, reporting, result, or review of any appraisal by engaging, without

limitation, in any of the following:

(1) Withholding or threatening to withhold timely payment for a completed appraisal, except where addressed in a mutually agreed upon contract.

(2) Withholding or threatening to withhold, either expressed or by implication, future business from, or demoting, or terminating, or threatening to demote or terminate an Illinois licensed or certified appraiser.

(3) Expressly or impliedly promising future business, promotions, or increased compensation for an independent appraiser.

(4) Conditioning an assignment for an appraisal service or the payment of an appraisal fee or salary or bonus on the opinion, conclusion, or valuation to be reached in an appraisal report.

(5) Requesting that an appraiser provide an estimated, predetermined, or desired valuation in an appraisal report or provide estimated values or sales at any time prior to the appraiser's completion of an appraisal report.

(6) Allowing or directing the removal of an appraiser from an appraisal panel without prior written notice to the appraiser.

(7) Requiring an appraiser to sign a non-compete clause when not an employee of the entity.

(8) Requiring an appraiser to sign any sort of indemnification agreement that would require the appraiser

to defend and hold harmless the appraisal management company or any of its agents, employees, or independent contractors for any liability, damage, losses, or claims arising out of the services performed by the appraisal management company or its agents, employees, or independent contractors and not the services performed by the appraiser.

(9) Prohibiting or attempting to prohibit the appraiser from including or referencing the appraisal fee, the appraisal management company name or identity, or the client's or lender's name or identity within the body of the appraisal report.

(10) Requiring ~~Require~~ an appraiser to collect a fee from the borrower or occupant of the property to be appraised.

(11) Knowingly withholding any end-user client guidelines, policies, requirements, standards, assignment conditions, and special instructions from an appraiser prior to the acceptance of an appraisal assignment.

(b) A person or entity may not structure an appraisal assignment or a contract with an independent appraiser for the purpose of evading the provisions of this Act.

(c) No registrant or other person or entity may alter, modify, or otherwise change a completed appraisal report submitted by an independent appraiser, including without limitation, by doing either of the following:

(1) permanently or temporarily removing the appraiser's signature or seal; or

(2) adding information to, or removing information from, the appraisal report with an intent to change the value conclusion or the condition of the property.

(d) No appraisal management company may require an appraiser to provide it with the appraiser's digital signature or seal. However, nothing in this Act shall be deemed to prohibit an appraiser from voluntarily providing the appraiser's ~~his or her~~ digital signature or seal to another person on an assignment-by-assignment basis, in accordance with USPAP.

(e) Nothing in this Act shall prohibit an appraisal management company from requesting that an appraiser:

(1) consider additional appropriate property information, including the consideration of additional comparable properties to make or support an appraisal;

(2) provide further detail, substantiation, or explanation for the appraiser's value conclusion; or

(3) correct factual errors in the appraisal report.

(Source: P.A. 97-602, eff. 8-26-11.)

(225 ILCS 459/50 rep.)

Section 55. The Appraisal Management Company Registration Act is amended by repealing Section 50.

Section 99. Effective date. This Act takes effect upon

Public Act 104-0746

SB3897 Enrolled

LRB104 18005 AAS 31442 b

becoming law.